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DRIVING IN THE PROVINCE OF ONTARIO

A REVIEW OF "CHECK STOP" AND THE 24-HOUR LICENCE SUSPENSION

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THE HONOURABLE R. ROY McMURTRY, Q.C.
A REPORT TO THE ATTORNEY GENERAL
FOR THE PROVINCE OF ONTARIO
NOVEMBER 1975

DRINKING-DRIVING IN THE PROVINCE OF ONTARIO

**A REVIEW OF "CHECK STOP"
AND THE 24-HOUR LICENCE SUSPENSION**

The Honourable R. Roy McMurtry, Q.C.

**A Report to
the Attorney General
for the Province of Ontario**

November 1975

Howard F. Morton,
Chief Supt. W. Bolton,
David Hieatt,
Tony Cunliffe.

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THE HONOURABLE R. ROY McMURTRY, Q.C., M.P.P.
ATTORNEY GENERAL,
THE PROVINCE OF ONTARIO.

SIR:

We have the honour of submitting herewith our report.

Character
W. J. J. Beter
Q. J. J. J.
A. A. A. A.



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INTRODUCTION

On November 1, 1973 the Province of Alberta implemented a drinking-driving countermeasure program known as "Check Stop".

In the spring of this year, Alberta released its **First Annual Report**¹ on the Check Stop Program.

Upon receiving this report, the Deputy Attorney General for the Province of Ontario became interested in the feasibility of implementing a similar program in Ontario. As the implementation of such a program in Ontario would necessarily involve the Ministries of the Solicitor General, and Transportation and Communications, as well as that of the Attorney General, a committee having representatives from each of these Ministries was created. The Committee was composed of the following persons:

Howard F. Morton, Chairman — Ministry of the Attorney General

Chief Supt. W. Bolton — Ministry of the Solicitor General

Anthony P. Cunliffe — Ministry of Transportation and Communications

David J. Hieatt — Ministry of Transportation and Communications

At the outset, the Committee held the view that the Alberta Check Stop Program was essentially a legislative device empowering police officers to suspend a driver's licence for 24 hours on suspicion that he had consumed alcohol. Preliminary research revealed that the Province of British Columbia had enacted similar legislation in 1967, yet little was known of its effectiveness in that province.

The Committee therefore travelled to both British Columbia and Alberta in order to acquire a better understanding of the programs in those provinces. (Appendix B is a complete itinerary of activities and persons interviewed in both provinces.)

The Committee immediately became aware that its earlier view was misconceived, i.e. the Alberta Check Stop Program is not just a 24-hour Licence Suspension program. Alberta has had 24-hour suspension legislation since 1970, but its Check Stop program is a completely separate and far more extensive drinking-driving countermeasure activity. It involves widespread public education combined with a dramatically increased detection system which includes, as one of its integral components, a 24-hour suspension.

On the other hand, while British Columbia employs a 24-hour Licence Suspension program it has no Check Stop program as such — although the City of Vancouver Police Department does employ a drinking-driving squad.

Having observed the different systems in British Columbia and Alberta, the Committee adopted an approach that differed somewhat from its original terms of reference. This Report is therefore divided into three parts which are as follows:

PART 1: An analysis and evaluation of the 24-hour Licence Suspension program as employed in British Columbia and Alberta.

PART 2: An analysis and evaluation of the Alberta Check Stop Program.

PART 3: Conclusions and recommendations.

¹Alberta Check Stop: Final Annual Report November 1, 1973 — October 31, 1974 (See Appendix A)

DIVISION OF THE COMMITTEE'S FINDINGS INTO TWO REPORTS

The Committee is aware of the difficulties encountered in successfully intervening in the drinking-driving area. From our research, it is clear that a Check Stop type of program has two separate yet critically important components: 1) the conceptualization of an enforcement system, and 2) the implementation of that system. With this in mind, the Committee has decided to submit two reports. Report Number 1, which hereinafter follows, covers the conception of the Check Stop program and 24-hour Licence Suspension as outlined in Parts 1, 2, and 3. Report Number 2 will deal with the means by which the recommendations contained in Report Number 1 ought to be implemented in Ontario. Needless to say, if the recommendations made in the first Report are not accepted in principle, it will be unnecessary to prepare and submit Report Number 2.

It should also be noted at this point that this Report does not take into account the Criminal Law Amendment Act, Bill C71. We have considered the effect this Bill would have on our recommendations, but as its passage and implementation could take several years we feel we can omit any reference to it at this time.

BACKGROUND: ENFORCEMENT AND THE CONTROL OF DRINKING-DRIVING

Intervention into the drinking-driving situation can take place at three points:

- 1) Primary intervention (before drinking-driving occurs).
- 2) Secondary intervention (after drinking-driving occurs but before a collision occurs).
- 3) Tertiary intervention (after the drinking-driver has been detected, charged and convicted, but before he recommits the offence).

Tertiary intervention is primarily within the realm of the courts and various alcohol-treatment agencies. While it is important, it is not the subject matter of this Report.

Primary intervention, on the other hand is principally the role of the police and of those responsible for educational programs.

Secondary intervention is exclusively a police activity. At present, the enforcement picture presents something of a dilemma. On the one hand, police in Ontario are charging each year, in excess of one percent of our driving population with drinking-driving offences. In 1974, 44,983 drivers (1.13% of Ontario's driving population) were charged under Criminal Code of Canada (CCC) Sections 234, 235, 236.

On the other hand, the incidence of drinking-driving is much higher than the number of drivers detected. Police recognize that they are not even scratching the surface.

In the one Federal Government Roadside Breathalyzer Survey that has taken place so far, 6.4% of all Ontario drivers sampled had blood alcohol concentrations (BAC's) in excess of the legal limit (80 mg per 100 ml)*. A further 20.9% of drivers sampled had BAC's up to the legal limit. (This study was run in the late evening/early morning hours towards the end of the week in the summer of 1974.)

A situation exists then, in which many drivers are caught drinking-driving but their numbers are extremely low relative to the number of drivers committing drinking-driving offences. An estimate has been made that, in Canada, there are 26,000 **drunk-kilometers-driven** per drinking-driving charge (Ministry of Transport, Canada, 1973).

The picture is further complicated by the fact that even if Ontario were prepared to detect and convict many more drinking-drivers, the overload of the courts (45,000 extra cases if the convictions were doubled), and the load on correctional institutions would severely tax available resources. In addition it must be kept in mind that whenever a police officer makes a breathalyzer demand he must then take the offender to the closest detachment and process him. In some rural areas this procedure, in effect, removes that police officer from the road for as long as two or three hours.

How can the dilemma be resolved?

From an enforcement point of view, it is known that the likelihood of any one driver being stopped is very remote. It would appear that the public is also aware of this fact.

It would also appear that to concentrate on drivers who have not previously been identified as "drinking-drivers" is a highly cost-effective procedure. An examination of Ontario records of alcohol-involved drivers in fatal collisions reveals that about 80% of these drivers had no previous CCC, alcohol-related convictions in the 5 years

*Preliminary data obtained from a hand search, Ministry of Transport, Canada.

prior to their fatal collision. 87% of Ontario's alcohol-involved drivers had no previous alcohol-related collision in the three years prior to their fatal collision (See Appendix C, Tables C1, C2).

Impaired driving is difficult to detect unless the BAC is quite high. North American statistics typically cite the average BAC for conviction at approximately 160 mg per 100 ml (that is, twice Ontario's legal limit). A casual search of Ontario Police breathalyzer records, indicated an average BAC level consistent with those found elsewhere.

What would appear to be needed is a system where drivers are stopped randomly, where **any** driver, regardless of whether he or she is driving in an unsatisfactory manner, can be stopped and checked for impairment. Further, it would seem that a great number of drivers should be stopped.

These two actions would dramatically increase the **objective probability** (real chance) of a driver being stopped. By itself, however, an increase in the objective probability of being stopped can only lead to an increase in the number of drivers charged. There will not be any great preventive component. Therefore what is needed is an accompanying inflation in the **subjective probability** that a driver will be stopped, that is, an increase in the driver's perceived chances of being caught. This can be achieved by an accompanying public education campaign which informs drivers about the program and advises them that the likelihood of being stopped has been increased. Also, simply seeing police stop other drivers can greatly increase the driver's subjective probability of being stopped and charged.

A note of caution. While there is a temptation to simply increase the subjective probability of being caught with a public education program without bothering to realistically increase the objective probability of being caught, this has been shown in Britain and elsewhere to have a short term effect only.* To actively **prevent** drinking-driving it is necessary to achieve a realistic balance between the subjective and objective probabilities of being caught. Thus, if anything at all is to be done, both increased detection **and** public education are required.

To increase the number of drivers being stopped, and yet avoid overloading the courts and prisons, a new form of action is needed — action which will remove the drinking-driver from the road in such a way that he need not be processed through the courts.

The Alberta Check Stop Program offers a potential means for increasing both the objective and subjective probability of detection, thereby preventing drinkers from driving (primary intervention). The 24-hour Licence Suspension offers a potential means of removing drivers from the road (secondary intervention) without requiring these drivers to be processed through the court system. For these two reasons, the Committee visited Alberta and British Columbia to determine if the countermeasures in use there might usefully be considered by Ontario as potential countermeasures for dealing with its own drinking-driving problem. Details of these programs hereinafter follow:

*Ross, H.L., *The Effectiveness of Drinking and Driving Laws in Sweden and Great Britain*, Proceedings of 6th International Conference on Alcohol, Drugs, and Traffic Safety, Toronto, Sept. 8-13, 1974, pp. 663-678.

PART 1: 24-HOUR DRIVING LICENCE SUSPENSIONS

PART 1: 24-HOUR DRIVING LICENCE SUSPENSIONS

DEFINITION

A 24-hour Licence Suspension is a loss of driving privileges for a 24-hour period. It is imposed at the roadside by a police officer on **suspicion** that the driver has consumed alcohol in such a quantity as to **affect either his physical or mental ability**.

INCEPTION

a) British Columbia

In 1966, the British Columbia Motor Vehicle Act was amended to provide for a 24-hour suspension. Because of the length of time since its inception, little history of this countermeasure in that Province could be ascertained. However, it appears that prior to 1966 (which was before the introduction of Sections 235, and 236 of the Criminal Code), officials of British Columbia's Motor Vehicle Branch and Attorney General's Office were of the view that the countermeasures existing at that time were insufficient to deal with the drinking-driving problem. Apparently, the 24-hour suspension countermeasure was introduced and legislated without reference to whether or not this type of countermeasure activity had been successfully attempted in any other jurisdiction. In any event, and for whatever reason, the authority to suspend a person's driving licence for 24 hours on **suspicion** that the driver of the motor vehicle has consumed alcohol has existed in British Columbia since 1966.

b) Alberta

In 1969, the Registrar of Motor Vehicles Branch of the Department of Highways and Transport in Alberta became aware of the 24-hour suspension as it existed in British Columbia. After discussion with several of his officials and police officers and members of the Attorney General's Office for Alberta, it was decided that Alberta would pass similar legislation to that passed in British Columbia three years before. As can be seen from the extracts which follow, there are slight differences between the Alberta and British Columbia legislation. In spirit, however, both statutes are similar.

LEGISLATION

a) British Columbia

Section 203 of the Motor Vehicles Act, RSBC Chapter 253 provides as follows:

203. (1) The driver's licence of a person whose venous blood contains not less than eight parts of alcohol to ten thousand parts of blood is subject to suspension.

(2) A peace officer may, at any time and at any place on a highway when he has reason to suspect that the driver of a motor-vehicle has consumed alcohol, request the driver to drive the motor-vehicle, under the direction of the peace officer, to the nearest place off the travelled portion of the highway and there to surrender his driver's licence.

(3) Upon a request being made under subsection (2), the driver's licence

of the driver is, ipso facto, suspended, and the driver of the motor-vehicle shall forthwith surrender his driver's licence to the peace officer, who shall return it to the driver upon

- (a) the driver voluntarily undergoing a test forthwith that indicates that the venous blood of the driver contains less than eight parts of alcohol to ten thousand parts of blood; or
- (b) the expiration of twenty-four hours after the surrender; or
- (c) the production by the driver to the peace officer holding the licence of a duly qualified medical practitioner that the venous blood of the driver contains less than eight parts of alcohol to ten thousand parts of blood; or
- (d) being satisfied that the life of a person will be endangered by the delay involved in undergoing a test,

whichever first occurs, whereupon the suspension is terminated.

(4) The Driver's licence of the person who refuses to surrender his driver's licence under this section is invalid for any purpose and is, ipso facto, suspended until the expiration of the period of suspension that would otherwise have followed under subsection (3), if any.

(5) This section does not apply where a peace officer intends to lay an information under the Criminal Code of Canada containing any allegation respecting the driver or to arrest the driver.

(5a) Where a driver who has been requested to surrender his licence under this section does not hold a driver's licence issued under this Act, or such licence has expired, he shall be deemed to be a person whose licence is suspended until the occurrence of any event or the expiry of the time at which, had he been the holder of such a licence, the peace officer would have been required to return the licence to him under subsection (3).

(6) This section shall come into force and effect in the area or areas of the Province designated by the Lieutenant-Governor in Council or by his Proclamation, and the Lieutenant-Governor may fix different days by different Proclamations upon which the sections shall come into force and effect in different areas. 1966, c. 30, s. 34; 1968, c. 32, s. 20; 1970, c. 28, s. 22 (eff. Apr. 6, 1970).

b) Alberta

Section 207 of the Highway Traffic Act, R.S.A. 1970, Chapter 169 provides as follows:

207. (1) Where a peace officer suspects that the driver of a motor vehicle has consumed alcohol in such quantity as to affect the driver's physical or mental ability, the peace officer may require the driver to surrender his operator's licence to the peace officer.

(2) The request of a peace officer under subsection (1) *ipso facto* suspends any operator's licence belonging to the driver to whom the request is made and the driver shall forthwith surrender any such licence to the peace officer, but the refusal or other failure of the driver to do so does not affect the suspension.

(3) Where a driver who has been required under subsection (1) to surrender

his operator's licence is not the holder of an operator's licence, the request *ipso facto* disqualifies the driver from holding an operator's licence.

(4) A suspension or disqualification arising pursuant to this section terminates

(a) upon the expiration of 24 hours from the time the suspension or disqualification arose, or

(b) upon the driver voluntarily undergoing a test at a place designated by the peace officer, which test indicates that the proportion of alcohol in the driver's blood does not exceed 80 milligrams in 100 millilitres of blood, or

(c) upon the production by the driver to the peace officer of a signed certificate of a duly qualified medical practitioner, which certificate states that the driver's blood, as tested by the medical practitioner subsequent to the commencement of the suspension or disqualification, did not contain more than 80 milligrams of alcohol in 100 millilitres of blood,

whichever first occurs, and the peace officer shall thereupon return the driver's licence, if any, to the driver.

(5) This section does not apply to a case where a peace officer decides to lay an information against the driver alleging that the driver has, in contravention of the *Criminal Code*, committed any offence involving

(a) the actual driving of or care or control of a motor vehicle by the driver, and

(b) the condition of the driver or the amount of alcohol in his blood, as the case may be, resulting from the consumption by him of alcohol.

It is important to note that neither the British Columbia nor the Alberta legislation create an offence nor do they provide for a reporting system in conjunction with the driver's licence or driving record. The provisions are clearly preventative in nature, rather than penal, in that their purpose is solely to reduce the number of drinking-drivers on the road.

For reference and comparative purposes, it is worthwhile to compare the wording of the above sections with the wording as found in Sections 234, 235 and 236 of the Criminal Code.

Sections 234, 235 and 236 of the Criminal Code provide as follows:

234. Every one who, while his ability to drive a motor vehicle is impaired by alcohol or a drug, drives a motor vehicle or has the care or control of a motor vehicle, whether it is in motion or not, is guilty of an indictable offence or an offence punishable on summary conviction and is liable

(a) for a first offence, to a fine of not more than five hundred dollars and not less than fifty dollars or to imprisonment for three months or to both;

(b) for a second offence, to imprisonment for not more than three months and not less than fourteen days; and

(c) for each subsequent offence, to imprisonment for not more than one year and not less than three months.

235. (1) Where a peace officer on reasonable and probable grounds believes that a person is committing, or at any time within the preceding two hours has committed, an offence under section 234, he may, by demand

made to that person forthwith or as soon as practicable, require him to provide then or as soon thereafter as is practicable a sample of his breath suitable to enable an analysis to be made in order to determine the proportion, if any, of alcohol in his blood, and to accompany the peace officer for the purpose of enabling such a sample to be taken.

(2) Every one who, without reasonable excuse, fails or refuses to comply with a demand made to him by a peace officer under subsection (1) is guilty of an offence punishable on summary conviction and is liable to a fine of not less than fifty dollars and not more than one thousand dollars or to imprisonment for not more than six months, or both.

236. Every one who drives a motor vehicle or has the care or control of a motor vehicle, whether it is in motion or not, having consumed alcohol in such a quantity that the proportion thereof in his blood exceeds 80 milligrams of alcohol in 100 millilitres of blood, is guilty of an offence punishable on summary conviction and is liable to a fine of not less than fifty dollars and not more than one thousand dollars or to imprisonment for not more than six months, or both.

In addition, it is worthwhile to set out the provisions of Section 238 (3) (a) of the Criminal Code, as this section is used in both British Columbia and Alberta for enforcing breaches of a 24-hour suspension.

238. (3) Every one who drives a motor vehicle in Canada while he is disqualified or prohibited from driving a motor vehicle by reason of
- (a) the legal suspension or cancellation, in any province, of his permit or licence or of his right to secure a permit or licence to drive a motor vehicle in that province, or
 - (b) an order made pursuant to subsection (1), is guilty of
 - (c) an indictable offence and is liable to imprisonment for two years, or
 - (d) an offence punishable on summary conviction.

At this point it is useful to briefly compare the Alberta and British Columbia legislation as outlined on the following chart.

	BRITISH COLUMBIA	ALBERTA
Test:	<p>Subsection (1) purports to make the provision applicable only to drivers whose BAC is .08 or greater.</p> <p>However, Subsection (2) which gives the police officers the right to suspend, provides that the officer need only that reason to suspect that the driver has consumed alcohol.</p>	<p>No provision similar to that of Subsection (1) of the British Columbia Act.</p> <p>Police officers may suspend on suspicion that the driver has consumed alcohol in such a quantity as to affect the driver's physical or mental ability.</p>
Length of Suspension:	<p>Suspension ends as soon as any one of the following occur</p> <p>(a) Driver forthwith submits to breathalyzer and achieves BAC reading of less than .08</p>	<p>(a) Same as British Columbia</p>

	(b) 24 hours expires since the suspension	(b) Same as British Columbia
	(c) Production of doctor's certificate showing that BAC is less than .08.	(c) Same as British Columbia
	(d) Emergency requires that driver drive lest a person's life be endangered	(d) No similar provision
Saving:	Section does not apply where police officer intends to charge or arrest the driver under the Criminal Code	Section does not apply where police officer intends to charge the driver with a driving offence under the Criminal Code
Unlicenced Drivers:	Special provision for suspending unlicenced drivers	No similar provision

THE RATIONALE OF A 24-HOUR LICENCE SUSPENSION

As can be readily seen from a reading of the British Columbia legislation, the 24-hour suspension was designed in that Province during the pre-breathalyzer years when the only offences under the Criminal Code were drunk driving and impaired driving. The legislation was, therefore, designed to fill an obvious gap in cases where the police officer was not on very good grounds or unsure of whether to arrest a driver for either of the above-mentioned offences. The 24-hour suspension legislation thereby gave the police officer an additional weapon in his arsenal against the drinking driver, i.e., the right to suspend a driver and get him off the road even though the officer was not satisfied on reasonable and probable grounds that the driver was either impaired or drunk.

Alberta's legislation was introduced at about the same time as the breathalyzer sections of the Criminal Code and it was designed to fill a gap in the new provisions, i.e., to create the ability to remove a driver from the road who, although not legally impaired, is a risk to both himself and other drivers. The rationale behind suspending a driver whose blood-alcohol count is less than .08 is widely supported by studies which clearly indicate that although .08 is the legal limit, it is by no means a safe limit.

THE MECHANICS OF A 24-HOUR LICENCE SUSPENSION

As indicated earlier, the spirit of the Alberta and British Columbia legislation is very similar, however, the mechanics whereby an officer detects a driver who has been drinking differs widely in the two Provinces.

In British Columbia, the means by which drinking-drivers are detected is left up to the individual detachment or police division. There is no province-wide policy in this respect. In the City of Vancouver, for example, the police department employs drinking-driving patrols. On each night shift there are two or three police cars or motorcycle units whose principal purpose is to patrol the streets of Vancouver looking for drinking-drivers. These patrols frequent areas of high accident activity and, in addition, frequent areas where it is known that drinking-drivers may be found, for example, in the general area of pubs and taverns. In the rural areas of British Columbia there are no specific drinking-driving patrols, as such, and it is left up to each individual patrol officer (amongst his other duties), to keep an eye out for drinking-drivers.

In Alberta, the detection of drinking-drivers is primarily the responsibility of the Check Stop program. Although the Check Stop program is discussed at length later in this Report suffice it to say at this point that a Check Stop is a sophisticated, selective police roadblock whose purpose is to screen out drinking-drivers from the general traffic flow. Check Stop is intended to supplement rather than replace general police duties which include keeping a watch for impaired drivers.

Apart from the above-mentioned differences between the British Columbia and Alberta statutes, once a drinking-driver has been detected the mechanics of implementing the 24-hour suspension are extremely similar in both provinces. In general, they follow the pattern set out below.

- once the driver has been stopped, the police officer makes a demand for his driver's licence and/or proof of insurance;
- while the driver is locating these documents, the officer is looking specifically for signs or symptoms that the driver has been drinking;
- if the police officer suspects that the driver, although not impaired, has consumed sufficient alcohol to affect his mental and physical ability, the officer then forthwith suspends the driver's driving privileges for a 24-hour period and demands that he surrender his licence to him;
- the licence is seized by the officer, and a receipt for the licence is given to the driver. The driver is warned that should he drive in the 24-hour period he will be charged under Section 238 of the Criminal Code;
- the driver is then advised that unless there is someone who can drive him home, he must leave the car where it is. If it is in a no-stopping zone, he must have the car towed away at his own expense;
- the police officer then calls police headquarters. The driver's name and initials, and the motor vehicle licence number, are put on the police telecommunications network so that other officers in the area will know that a certain driver driving a certain car has just been suspended and can keep an eye out for him;
- apart from the fore-going, there is no formal record keeping either of the driver or the vehicle he was driving at the time of his suspension. The rationale behind this approach is that the program is primarily preventative and it would be self-defeating to record, on the driver's record, a history of 24-hour suspensions. It is felt that if records were kept of these suspensions more drivers would demand a breathalyzer test, thereby causing the officer to take the time to take him back to the station and so on;
- the driver, if he wishes to contest the 24-hour suspension, may request that he be taken to a detachment and given a breathalyzer test. If he blows under .08 blood-alcohol count, he is permitted to drive. If he blows over .08 blood-alcohol count he is charged under the Criminal Code. The view in both British Columbia and Alberta is that it is extremely rare that a driver will demand a breathalyzer test. Usually the drivers are quite happy to have escaped with simply a 24-hour suspension rather than take the risk of being charged with impaired driving or driving in excess of .08 blood-alcohol count;
- the police officer then instructs the driver from which police division or detachment he can retrieve his driver's licence the following day;

- once the 24-hour period has expired, the driver attends at the instructed location, produces his receipt, and his driver's licence is returned to him. For all intents and purposes, this is the end of the matter. If a driver who has had his licence suspended for 24 hours violates that suspension and is caught, he is charged under Section 238 of the Criminal Code and the courts, both in British Columbia and Alberta, have consistently convicted 24-hour suspension violators from driving while under suspension. It is estimated that in British Columbia, less than ½ of 1 percent of all suspended drivers are charged with driving during the 24-hour period;
- it should be noted that in both British Columbia and Alberta exceptions are made to the 24-hour period of suspension. The supervising police officer at the detachment has sometimes found it necessary to return the licence prior to expiration of 24 hours. This happens only rarely and the officer must be satisfied that the driver is fit to drive.

PRE-IMPLEMENTATION — PUBLIC EDUCATION

In both British Columbia and Alberta, the public was made aware of the proposed 24-hour suspension quite some time before the legislation was actually implemented. In British Columbia, some telephone surveys were done to test public acceptance prior to the introduction of the 24-hour suspension. Although records were not kept of these telephone surveys, apparently they indicated that the public supported the concept. Similarly, in Alberta, the public was made aware of the need for a 24-hour suspension prior to its implementation.

PUBLIC ACCEPTANCE

According to police and government authorities in British Columbia, the public has completely accepted the 24-hour suspension as an acceptable countermeasure to drinking-driving. Similarly in Alberta, the public in general, appears to have supported the 24-hour suspension as being an effective countermeasure.

More specifically, for those who are given 24-hour suspensions, the countermeasure is far less severe than being charged and convicted of a drinking-driving offence. Most people who have had their licences suspended for 24 hours seem to feel they have been given a break; they have been caught drinking-driving and yet they have not been charged, arrested, or taken for a mandatory breathalyzer test, and they are not therefore subject to the usual penal consequences.

In both provinces, members of the defence bar are of the view that the 24-hour suspension is an effective countermeasure in that it removes drinking-drivers from the road without having the full brunt of the law brought upon them. In other words, it is seen by the local defence bar as a diversion technique whereby the problem is attacked, i.e. getting the driver off the road, without requiring the driver to be charged and processed through the criminal judicial system.

POLICE ACCEPTANCE

There is some diversity of opinion as to police acceptance of 24-hour suspensions. Some senior police officials felt the 24-hour suspension was ineffective for several reasons:

- 1) It was too lenient on drinking-drivers;
- 2) It encouraged some lazy police officers to let an impaired driver off

and simply impose a 24-hour suspension rather than charging him with a Criminal Code offence when there were clearly grounds for doing so. It should be noted that in both British Columbia and Alberta the 24-hour suspension was enacted to supplement Criminal Code drinking-driving offences and was not intended to be used where a police officer has reasonable and probable grounds to believe that the driver was impaired. However, in spite of this, some senior police officers in both Provinces suspected that in many cases the 24-hour suspension was being used in lieu of charges under the Criminal Code; and

- 3) It encouraged otherwise industrious police officers to take the lazy way out by using a 24-hour suspension rather than charging the driver with a drinking-driving offence under the Criminal Code. (It was felt that this was particularly apparent at the end of an officer's shift when rather than take the driver back and have him undergo a breathalyzer test, which would keep him over his shift time, he would simply suspend the driver's licence and let him go.)

On the other hand, the large majority of police officials seem to feel that the 24-hour suspension is an extremely useful and worthwhile countermeasure device in that it gives officers on patrol one additional countermeasure to use in cases where they think the driver's ability is somewhat affected by his drinking, but do not have reasonable and probable grounds to believe that he is impaired or that he has consumed enough alcohol to exceed .08 blood-alcohol count.

USAGE

a) British Columbia

As indicated earlier, there is no central record kept of the number of 24-hour suspensions imposed throughout the province. However, the Vancouver Police Department does keep records of the number of suspensions levied in its jurisdiction. For example, for the period June 1, 1974 to May 31, 1975,

Section 203 suspensions	5,331
Charges 234, 235, 236 Criminal Code	4,151

As can be readily seen from the above, in the City of Vancouver, the police are suspending more drivers' licences for 24-hour periods than they are laying charges under the Criminal Code.

b) Alberta

The Province of Alberta does retain a central record of the number of suspensions arising out of the Check Stop Program throughout the Province. For example, for the period November 1, 1973 to October 31, 1974,

Number of 24-hour suspensions arising out of Check Stop only ..	1,259
Number of Criminal Code offences arising out of Check Stop only	1,420

COMMITTEE EVALUATION OF THE 24-HOUR LICENCE SUSPENSION

In principle, 24-hour suspension legislation is viewed by the Committee as an important and useful supplement to the drinking-driving provisions of the Criminal

Code. In practice, the suspensions are used frequently and the legislation is well implemented. (There are, in our view however, a number of changes that could be made to the legislation that could increase the effectiveness of the suspension.)

As practised in British Columbia and Alberta the positive aspects of the 24-hour suspension are as follows:

- 1) Achieves the fundamental purpose of police enforcement in this area, i.e., removes the drinking-driver from the road before he is involved in an accident;
- 2) Permits the police officer a much wider scope in removing drinking-drivers from the road than he is permitted under the existing provisions of the Criminal Code;
- 3) Is seen by the public to be a fair and effective countermeasure in reducing the incidence of drinking-driving;
- 4) Permits the officer to stay on patrol to find more drinking-drivers, in that it does not require him to take a drinking-driver to a detachment for a mandatory breathalyzer test. In other words, reduces the down-time of a police officer's patrol;
- 5) Is diversionary in its approach as opposed to penal. This removes the necessity for processing a drinking-driver through the criminal justice system with all of its inherent time-consuming difficulties;
- 6) Is consistent with current drinking-driving research that suggests that the driver is a definite hazard at levels below the legal limit of .08 (Hurst, 1972, 1973) (Smith and Poplare, 1951). It should be noted that in some jurisdictions, for example, Norway and Denmark the legal limit is .05.
- 7) Has received wide public support in both of the Provinces where it has been implemented.

Criticisms that have been made of the British Columbia and Alberta programs are:

- 1) Might weaken the deterrent effect of Criminal Code offences in that a driver who has consumed alcohol may feel that he is safe to drive when he is borderline because even if he is caught, he will not be charged with a Criminal Code offence, but will simply have his licence suspended;
- 2) Might encourage inefficient or unindustrious police officers to simply suspend a person's licence when they ought to be charging him with a Criminal Code offence;
- 3) If used by police officers as an alternative to, rather than as a supplement to the Criminal Code provisions, it could seriously weaken the deterrent effect of those provisions;
- 4) Some police officers are of the view that as many as 50% of those persons on 24-hour suspension continue to drive during the 24-hour period;
- 5) As practised in British Columbia and Alberta, it is possible for a driver to incur any number of 24-hour suspensions without anything further being done, because no record is kept of the cumulative numbers of suspensions imposed on any one driver.

The Committee takes the view that the first three criticisms (weakening of deterrent effect of Criminal Code, police laziness, etc.) could be minimized by providing clear cut and explicit guidelines, accompanied by appropriate training for all police departments. Criticism 4 (driving while under suspension) can be minimized, though not entirely eliminated, by removing the driver's keys or impounding the vehicle where necessary. Further, if the program is accompanied by extensive media coverage and by high visibility enforcement of driving-while-under-suspension offences (i.e. Section 238 of the Criminal Code) a deterrent effect would result.

A record keeping system which includes the 24-hour suspension as part of the driver's record is essential.

**PART II:
THE ALBERTA CHECK STOP PROGRAM**

PART II: THE ALBERTA CHECK STOP PROGRAM

GENERAL DESCRIPTION OF THE PROGRAM

a) Background

In 1972, the Attorney General of Alberta met with senior Alberta police officers. He expressed the need for a preventative program which would encourage motorists to refrain from driving while under the influence of alcohol. As a result of these meetings, a preliminary decision was made to begin a program which would involve stopping drivers and checking for the presence of alcohol. The intent of police forces to seek out the drinking-driver would be made clear to the travelling public in advance of the implementation of the program.

Although there was agreement as to the probable effectiveness of such a program, there was general concern as to its acceptance by the public. Research indicated that police road checks for the specific purpose of detecting drinking-drivers had not been used to any extent anywhere in North America.

A public attitude study conducted on behalf of the Government of Alberta during September of 1973 showed that the public was concerned with the drinking-driving problem but largely unaware of its magnitude. The survey further indicated a growing demand for increased police action. (Decision Making Information Canada, Phase I, September, 1973).

Satisfied that the public would welcome increased countermeasure activity, the Attorney General decided that a program which increased the probability of detecting the drinking-driver ought to be developed.

Law enforcement in Alberta became the responsibility of the Solicitor General of Alberta in September, 1973. On October 5, 1973, the Solicitor General, appearing on television, publicly announced the Check Stop Program. She explained that the program would be a massive, province-wide education and enforcement campaign aimed at reducing alcohol-related traffic deaths, and that it would be a two-pronged campaign: an immediate intensive information phase to acquaint the public with the purpose of the program, followed by a major crackdown by all police forces commencing on November 1, 1973.

b) What is a Check Stop?

Essentially, a "Check Stop" is a selective police roadblock. Although its apparent purpose is to stop and detect drivers who have been drinking, its real objective is to deter from driving persons who have been drinking. The deterrence is created by increasing both the objective and subjective probability of being caught in such a roadblock.

The manner in which each Check Stop is carried out is usually left to the discretion of the supervising police officer; however, a typical Check Stop occurs in the following way.

The location, time of day and duration of the Check Stop are predetermined. The approach depends on the available manpower. Several police officers set up a roadblock which permits one officer to direct approaching vehicles to the shoulder of the road or curb lane. The other officers then approach each vehicle on a one-to-one basis. (Motorists are forewarned that they are approaching a Check Stop by portable signs.)

A police officer approaches each motorist, identifying himself and the Check Stop Program.

The motorist is asked to produce his driver's licence and proof of insurance. While this is taking place the officer is looking for signs that the driver has consumed alcohol.

If the officer is satisfied that the driver has not been drinking, he thanks the motorist for his cooperation and directs him back into the traffic flow.

If, on the other hand, the officer **suspects** that the motorist **has consumed alcohol or a drug in such a quantity as to affect his physical or mental ability**, he is then faced with the following alternatives.

1) If the officer is satisfied that the motorist is neither impaired nor "over .08" he suspends the driver's licence for a 24-hour period (as discussed in Part 1).

2) If the officer has reasonable and probable grounds to believe that the driver is "impaired" within the meaning of Section 235 (i) of the Criminal Code, he demands that the driver accompany him for the purpose of providing a sample of his breath suitable for analysis. The driver would then be subject to the normal consequences that flow from such a demand, i.e., possibly being charged under one or more of Sections 234, 235, 236.

Both alternatives achieve the desired effect, i.e., the drinking-driver is removed from the road before he is involved in an accident. It appears from the Alberta evaluation that the motoring public is completely prepared to accept this inconvenience for the sake of reducing their risk of being involved in a collision with a drinking-driver.

It should also be noted that in addition to protecting the public and deterring drinking-drivers, the Check Stop does help police detect other criminal and illegal activities such as driving while under suspension.

c) Legislation

Since the police stop motorists using their authority to demand production of a driver's licence, there is no need to amend the Highway Traffic Act to provide for a Check Stop Program.

PUBLIC EDUCATION

Chronology of Events

During early September, 1973, a preliminary study was undertaken to determine public sentiment about the drinking-driving problem. It was hoped that this information would aid in determining the direction and theme of the program. The primary objective of this preliminary study was to ascertain public awareness of and concern over the drinking-driving problem. A secondary objective was to assess public opinion of police effectiveness and the laws relating to drinking-drivers. The information was obtained from a telephone survey conducted in Alberta's four principal cities. (Decision Making Information Canada, September, 1973.)

Simultaneously, a more extensive research project, designated as Phase I, was undertaken. Its objectives were as follows:

- 1) To establish the degree of public awareness and concern regarding the drinking-driving problem.
- 2) To set a reference point for the purpose of observing any attitude change as a result of the drinking-driving advertising campaign. (Decision Making Information Canada, Phase I, September, 1973).

The information was obtained from telephone interviews with 300 Alberta residents, 18 years of age and older.

The Check Stop Program began on October 1, 1973. Advertising on radio, television and in the press continued for three months, until the end of December. The advertising program had two thrusts: firstly, to make the public more aware of the severity of the drinking-driving problem; and secondly, to acquaint the public with the Check Stop Program itself.*

In December, 1973, Phase II of the research project was conducted, with the following objectives:

- 1) To measure any change in the degree of public awareness and concern regarding the drinking-driving problem.
- 2) To evaluate the Check Stop advertising campaign in terms of a change in public attitude, media coverage and media impact. (Decision Making Information Canada, Phase II, December, 1973.)

This information was also obtained by telephone interviews, as described in Phase I.

In April, 1974, three months after the conclusion of the advertising campaign, Phase II was replicated as Phase III, i.e., telephone interviews with 300 Alberta residents, 18 years of age and older.

In May, 1974, Phase IV, the Drinking-Driving Target Group Project was undertaken. Its objectives were:

- 1) To measure the effectiveness of the Check Stop campaign from both the point of view of the enforcement agencies and the consumer.
- 2) to evaluate the impact and significance of the Check Stop advertising campaign.
- 3) To determine towards which target group or groups the Check Stop advertising should be directed. (Decision Making Information Canada, Phase IV, May, 1974.)

The target groups interviewed were police, drinking outlet personnel, taxi drivers, and the drinking public. The majority of interviews were carried out face-to-face with the remainder by telephone.

Subsequently, a number of advertising agencies were given the information developed in Phase I through IV and asked to submit proposals for a second advertising campaign.

The second advertising campaign commenced in mid April, 1975 and, with varying intensity, was scheduled to run until mid November, 1975. It utilized radio, television, newspapers, outdoor advertising and point of purchase advertising. This advertising program had three thrusts: firstly, to persuade potential drinking-drivers to "think twice" before combining the two activities; secondly, to encourage individuals to "know your limit", that is, how many drinks it takes to impair one's driving ability and to reach the legal limit (.08); and thirdly, to encourage individuals

*Examples of the materials used in the advertising program are available.

to “speak out” before an impaired person attempts to drive.*

During June and July, 1975, Phase V was carried out. Its objectives were:

- 1) To evaluate the impact and significance of recent advertising with respect to the Check Stop Program.
- 2) To provide tracking data which would assess whether the Check Stop Program was maintaining its high profile and favourable impression amongst Alberta citizens.
- 3) To assess the level of public knowledge and information with respect to the basic facts of human tolerance of alcohol and the impact of alcohol consumption on driving performance.
- 4) To determine the scope of public tolerance with respect to new preventative measures designed to weed out the impaired driver.
- 5) To compute public conception of the potential of Check Stop as an ongoing effective weapon to educate the public and combat the impaired driver. (Decision Making Information Canada, Phase V, Summer, 1975.)

The information was obtained from telephone interviews with 500 Alberta residents, 18 years of age and older.

Advertising Costs

1973

The first public education campaign was conducted during three months, October to December, 1973. The advertising costs were:

Radio	36,353.70
TV	39,065.99
Alberta Weeklies	13,003.60
Alberta Dailies	28,879.48
Other Alberta Publications	5,516.52
Production	31,263.72
	\$154,083.01

There were 1,033,389 licensed drivers in Alberta in 1973. This means that the per capita cost of the advertising program was 14.91 cents. Given that there were 3,972,980 licenced drivers in Ontario in 1974, the cost of a comparable advertising program in Ontario would be at least \$600,000.00

1975

The second public education campaign was conducted during the eight-month period, April to November, 1975. The advertising costs were:

Newspapers	64,892.00
Radio	73,308.50
Television	89,680.00
Outdoor	10,895.00
Point of Purchase	58,500.00
	\$297,275.50

With 1,072,858 licenced drivers in Alberta at the end of 1974, the per capita cost of the second advertising program was 27.7 cents. The cost of a comparable advertising program in Ontario would be at least \$1,100,000.00.

Evaluation of the Effectiveness of Public Education

Since the launching of the Check Stop Program on October 1, 1973, three efforts have been made to evaluate the effectiveness of advertising associated with the program in Phase II (November, 1973), Phase III (March, 1974) and Phase V (July, 1975).

In Phases II and III, 300 Alberta citizens chosen at random were interviewed by telephone. In Phase V, the sample size was increased to 500, which allowed changes in excess of 7 per cent to be estimated with a high degree of reliability.

Since the findings in Phases II and III have been subsumed in Phase V, only the latter report will be discussed here.

It has been concluded in Alberta that "...by now almost all Albertans have heard about Check Stop". However, this does not seem to be borne out by the data. For instance, in answer to the question, "Are the police doing anything special to solve the drinking-driving problem", 79 per cent of the respondents in November, 1973 answered "yes". Of these, 55 per cent answered "Check Stop" when asked "What are they doing". From these figures it can be inferred that only 44 per cent of the respondents had an appreciation of the Check Stop Program. In March, 1974, the same three questions were asked, yielding 71 per cent, 78 per cent, and 55 per cent, respectively. When the questions were asked again in July, 1975, the figures were 58 per cent, 70 per cent, and 41 per cent. The decline between the two most recent surveys is no doubt due to the fact that Check Stop's special nature has diminished with time.

If the respondent did not refer to Check Stop of his own volition, he was asked "Have you ever heard of Check Stop?". In July, 1975, 94 per cent answered "yes", but of these only 85 per cent were able to describe it as a roadblock check for alcohol. Thus, it can be inferred that 80 per cent of the respondents were familiar with the Check Stop Program. However, it should be recognized that the posing of a leading question which cues the respondent, such as a direct reference to Check Stop, is a practice certain to lead to bias in favor of a positive result. Nevertheless, it is safe to assume that between 41 per cent and 80 per cent of Alberta's adult population has heard of Check Stop and knows what it is.

The data may also be misleading in another way. It is reasonable to assume that the first advertising program in 1973 raised the subjective probability of being caught in a Check Stop to a similar level throughout the province. However, it is interesting to note that subsequently only 10 per cent of the Check Stops were carried out in Edmonton and Calgary, notwithstanding that these urban communities account for the major share of Alberta's population. Ninety per cent of the Check Stops were carried out by the R.C.M.P. in rural areas. Consequently, the higher level of police activity in the rural areas served to reinforce the rural public's subjective probability of being stopped. This reinforcement was, to all intents and purposes, absent in Edmonton and Calgary. Thus, the rural public might be expected to be much more conscious of the Check Stop Program than their urban counterparts. Given that Alberta's evaluation does not differentiate between the urban and rural public we cannot be sure that the Check Stop Program was not more successful in the rural areas than is suggested by the data.

With respect to comparative media impact, the Phase V report notes that 40 per cent of the respondents referred to the broadcast media when indicating where

they had learned about Check Stop. Twenty-three per cent referred to the print media, 10 per cent referred to friends and acquaintances and 19 per cent referred to personal experience, i.e., either being stopped or having been affected by the Check Stop Program in some way. Nine per cent gave a host of other miscellaneous references, and 2 per cent didn't know or hadn't heard of it.

A closer look at the data reveals some interesting insights. After the Check Stop Program had been described by the interviewer, respondents were asked a series of questions about advertising, e.g., "Do you recall any advertising recently on television about Check Stop?" For television, 37 per cent of the respondents answered "yes". For radio, 25 per cent; newspapers, 32 per cent; billboards and posters, 20 per cent; beer parlours, 6 per cent and liquor stores, 14 per cent.

A follow-up question asked respondents the main message of the advertisement in each particular medium. Interestingly, "Don't drink and drive" received 51 per cent in television; 37 per cent in radio; 33 per cent in newspapers; 33 per cent in billboards and posters; and 37 per cent in liquor stores. This is hardly surprising, for it may be postulated that any person asked the theme of a drinking-driving campaign would likely answer, "Don't drink and drive".

For beer parlors the main message in all cases was viewed as a general warning. For liquor stores 38 per cent of the respondents perceived the main message as a general warning.

An examination of the replies which can be related directly to the Check Stop Program shows that 30 per cent in television (11 per cent of all respondents); 33 per cent in radio (8 per cent of all respondents); 33 per cent in newspapers (11 per cent of all respondents); and 27 per cent in billboards and posters (5 per cent of all respondents). These figures apparently represent a very low level of penetration of messages specifically related to Check Stop.

Alberta's evaluators have chosen to include "Don't drink and drive" as a valid message springing from the advertising campaign. Thus, their assessment of penetration is 27 per cent for television, 18 per cent for radio, 17 per cent for newspapers, and 12 per cent for billboards and posters. Advertisements in beer parlors and liquor stores were remembered as vague general warnings about drinking. Nevertheless, 20 per cent of the adult population had received Check Stop advertising through beer parlors and liquor stores.

On the basis of the above figures, and using the factor "promotion of informed public per dollar spent", Alberta sees point-of-purchase advertising as the most advantageous, followed by outdoor advertising, radio, television and newspapers, respectively.

In summary, while the penetration figures seem to be quite small — 10 to 30 per cent — in fact these are acceptable, though not outstanding, results for a mass media education program.

ENFORCEMENT

Police Participation

In theory, participation by police in Check Stop is voluntary. Since the inception of the program the Solicitor General's department has actively encouraged police forces to participate in Check Stop while recognizing the limitations such as availability of manpower and equipment.

Check Stop is viewed, therefore, as a **supplement** to normal police functions rather than as a replacement of normal police functions. In practice, all detachments of

the Royal Canadian Mounted Police participate in Check Stop. The degree of participation by small municipal police departments and also larger departments appears to be related to available manpower. However, while Edmonton or Calgary comprise half of the province's population, only about 10 per cent of all Check Stops are conducted in these two cities.

Enforcement Methods and Police Practices

i) TIMING

Time of Day

Based on information from members of the police departments, Check Stop takes place principally during the traditional periods of greatest drinking and when the greatest numbers of drinking-driving accidents occur. Check Stops are carried out during the latter part of the evening and in the early morning, beginning at about 10:00 a.m. but, more frequently, beginning towards or after midnight.

Time of Week

Check Stops are undertaken on days when most drinking-driving accidents occur, i.e., on Thursday, Friday and Saturday nights.

Time of Year

Emphasis on holidays, particularly Christmas time and New Year, appeared to be consistent across police forces. The R.C.M.P. however, endeavoured to undertake Check Stops throughout the year.

Generally speaking, the timing of Check Stops adheres well to the principles of selective law enforcement.

ii) SITE LOCATION

Sites were located either near places where drinking occurred or in high accident areas. Attempts were made to randomize site locations, as much as possible, but these attempts were limited by the number of available safe sites.

iii) EXTENT OF CHECK STOPS

The R.C.M.P. conducts six check stops per week per detachment.

Duration

At the beginning of the Check Stop Program, each Check Stop took place for periods up to two hours. The disadvantages were:

- 1) The deterrent effect appeared to wear off early, — after half an hour or so when the public generally knew where the Check Stop was;
- 2) The drain on police manpower was excessive; and
- 3) Two hours standing around in winter is very cold and unpleasant for police officers.

At present Check Stops are run generally between fifteen minutes to half an hour.

Manpower and Equipment

Equipment was adequate. Vehicles, lights, and signs were available to all detachments. Manpower, however, was a problem. In fact, manpower is the crucial element. As traffic volumes increase, more men are required to conduct a Check Stop, safely and effectively. At the Check Stops observed by the Committee, manpower ranged from four to sixteen men. The number of men was dictated by detachment size and the area. For small detachments, it is more difficult to assemble the manpower required for a Check Stop. The Check Stops were carried out by a combination of traffic and general enforcement officers.

iv) TYPES OF OBSERVED CHECK STOP ORGANIZATION

Site 1 — Downtown Edmonton, 30 mph (7:00 p.m.)

a) *TRAFFIC CONTROL*

Vehicles were directed by an officer from a two-lane, city street into a CNR yard pulling them completely off the street. Since the yard was quite wide, it was possible to pull cars along side each other and have up to three drivers interviewed simultaneously with easy access to and egress from the side. Vehicles were selected from the traffic flow to maintain a steady supply of vehicles for the interviewing officers.

b) *USE OF MANPOWER*

Five men took place in the Check Stop: an NCO was in charge, one officer directed traffic into the site, and three officers interviewed drivers.

c) *USE OF EQUIPMENT*

The Alberta Check Stop sign was placed about 100 feet before the turnoff. A black and white police car with its lights flashing was parked at the entrance to the yard. Two additional vehicles were parked inside the yard ready for chases, if necessary, or conveying drivers to the station for breath tests if necessary.

Site II — Central Edmonton, 30 mph (8:30 p.m.)

a) *TRAFFIC CONTROL*

Vehicles were directed by an officer from the two east lanes of an undivided 4-lane road either into a throughlane to continue on their way or into the Check Stop lane. The Check Stop lane was set up to lead into a side street where two lanes were used, one to interview vehicles and a second to provide an exit for drivers who had been interviewed. If there were problems, vehicles were pulled off the road on to the grass verge.

At the Check Stop site, a second officer directed traffic to a particular policeman to be interviewed. A vehicle leaving the site was directed by the policeman who had interviewed the driver.

b) *MANPOWER*

Eight officers took part; one to direct traffic and seven to form a line and check vehicles.

c) *USE OF EQUIPMENT*

One car with flashing lights was located at the beginning of the Check Stop line.

The Check Stop sign was located within the Check Stop area itself. All officers used flashlights with red cone attachments and wore luminous safety vests. Two extra vehicles were available for chases or conveyance of drivers to the station. These were not manned, as all officers were taking part in the Check Stop.

Site III — Downtown Calgary, 40 mph (11:30 p.m.)

a) SITE DESCRIPTION AND TRAFFIC CONTROL

Site III was on a divided road. Two lanes in one direction were being used for the Check Stop. The particular site was located so that a long bus stop could be used as a third stopping lane. In addition, there was a grass verge on the side of the highway and a grass median which could be used to pull off vehicles or park the police vehicles. Essentially, this enabled the site to be used as a five-lane site. Traffic volume was quite high.

b) USE OF MANPOWER

Sixteen officers took part in the operation. Fourteen were on the site and two were in a chase car positioned over the hill before the site. These two officers were to follow any cars who turned off to avoid the Check Stop. Of the remaining officers, one selected vehicles from the traffic flow and directed them into the Check Stop. The other officers formed a line along the right-hand lane using the left-hand lane to allow vehicles to enter into and exit from the Check Stop. With this number of officers, no difficulties were encountered. When a driver required additional checking, his vehicle was pulled off the road and the policeman continued his investigation.

c) USE OF EQUIPMENT

In addition to the chase vehicles, five police vehicles were on site, all with flashing lights. Two vehicles were stationed at the beginning of the Check Stop, one on the grass median, the other on the grass at the side of the highway. Within the Check Stop, the other three vehicles were parked on the median and at the side of the road, which, since the area was well lit, tended to give a colourful and dramatic effect. Officers were all equipped with safety vests and used flashlights with red cone attachments to direct traffic.

Site IV — Cochrane, 50 mph (7:00 p.m.)

a) SITE DESCRIPTION AND TRAFFIC CONTROL

Cochrane is about twenty miles from Calgary. The area chosen for the Check Stop was a one-mile stretch of two-lane undivided highway. In the centre of the stretch was a small little-used crossroad and the police parked their cars on the side-roads. The two teams of officers worked both sides of the road simultaneously selecting vehicles which they pulled off the road onto the shoulder for the Check Stop.

b) USE OF MANPOWER

Four men took part in the Check Stop, two officers stopping traffic in each direction. One officer was both a flagman and an interviewer, whereas the second officer was an interviewer only.

c) USE OF EQUIPMENT

The Alberta Check Stop sign was placed about a quarter of a mile up the road. The two police cars were parked off the road with their lights flashing.

Site V — Outskirts of Edmonton, 60 mph (9:00 p.m.)

a) SITE DESCRIPTION AND TRAFFIC CONTROL

Vehicles were pulled from a 60 mph four-lane divided highway into a weigh station. That is, vehicles were flagged from a two-lane, single direction highway. Within the weigh station, the officers spread out side by side and were thus able to have three separate lines of cars to check.

b) MANPOWER

Six men were at the site; one man on the highway directing traffic either into the Check Stop or allowing it to pass. An NCO was supervising and four men were interviewing.

c) USE OF EQUIPMENT

One car with a flashing light was stationed at the entrance to the weigh station. The Alberta Check Stop sign was placed about 150 yards from the entrance. Within the site two cars were parked off the side of the road, without lights flashing.

v) THE INTERVIEW

Documents Required

When a driver was stopped, he was asked to produce his driver's license, ownership and insurance documents.

Signs of Impairment

The officer then checked the driver's dexterity in handling and producing his documents, his speech, manner and deportment, and checked for the smell of alcohol. If the officer needed more information he asked the driver to leave the vehicle, at which time he could conduct further tests.

Interview Time

The average interview time for each driver who was not arrested was 45 seconds. Interviews timed at the site varied in duration from 30 seconds to one and a half minutes. If the driver was issued a warning or a ticket for a non-drinking offence, the interview generally stretched to five to ten minutes. Drinking offence charges requiring a visit to the station are often an hour in length.

Alternative Police Actions at Check Stop

The police officer has seven choices:

- 1) Interview and release;
- 2) Interview and check CPIC;
- 3) Interview and issue warning (non-drinking offence);
- 4) Interview and issue ticket (non-drinking offence);
- 5) Interview and give 24-hour suspension;

- 6) Interview and demand that the driver accompany him to the detachment for a breath test;
- 7) Interview and arrest for impaired driving.

Police Acceptance

DURATION

Police are in favour of short duration stop checks, that is, up to 30 minutes. This enables the second site to be set up if time permits and also maximizes the preventive component of the Check Stop program by increasing the visibility of the police and decreasing the predictability of Check Stop location which is associated with long Check Stops.

CHARGES LAID VERSUS PREVENTION

The number of charges laid per police officer for drinking-driving offences at a Check Stop is minimal. Essentially the role of Check Stop is a preventive one and this concept needs to be clearly conveyed to the police. Ideally, the prevention versus detection issue should be raised in a training context.

TRAFFIC VERSUS GENERAL POLICE

Generally speaking, Check Stops are more accepted by traffic officers than the general police. Perhaps a reason for the general police officers' concern is that they perceive Check Stops as taking time from their general duties which they perceive to be more important duties.

MANPOWER

It is the Committee's impression that where adequate manpower is available, Check Stops are more readily acceptable than where manpower is insufficient.

Costs of Program

MANPOWER

No additional funds were assigned to the Check Stop Program for policing purposes.

EQUIPMENT

The only equipment that appeared to be necessary were the Alberta Check Stop signs and some information material. The signs were supplied by the Solicitor General's department. Initially, two-sign sets — one large, one small — (120 sets @ \$90.00 = \$10,900.00) were produced. It is understood that the Solicitor General's department is now in the process of producing signs which are easier for the policemen to carry in their cars. All other equipment is part of normal policing equipment.

Evaluation of Enforcement

This evaluation is based upon a very limited sample of observations at sites, upon conversations with police and government officials, upon enforcement data supplied by Alberta and upon the research reports which the Alberta Department of the Solicitor General was kind enough to supply.

CHECK STOP SITES

1. Traffic control was good where a large number of officers were present. At sites where only a few officers took part there were potential safety problems. (These problems could be overcome by training and establishing procedures for traffic control).
2. The observed sites were well selected and the reported time of the usual Check Stops agrees with the principles of selective enforcement.
3. The Check Stop signs were difficult to read at a distance, but the flashing lights on the police cars seemed to warn drivers to slow down and appeared to be adequate for this purpose.
4. Use of manpower seemed reasonable under the circumstances but obviously the more men available, the smoother the operation of the Check Stop. This is particularly true when one member of the team must drive someone to the station for a breathalyzer test and the others are left short.
5. No special training was given to officers. Detection of impairment, prevention versus arrests, safety, and stopping procedures, all need to be adequately explained to police to maximize the effectiveness of Check Stop.

OVERALL USE OF CHECK STOP

1. Due to the voluntary nature of the program the distribution of Check Stops throughout the province was extremely uneven. The small contribution to Check Stops by Calgary and Edmonton (263 Check Stops out of the Albertan total of 12,704 during the period November, 1973 to October, 1974) would seem to indicate an undesirably low degree of activities in the two cities which house approximately half of the province's population.
2. Even considering the limited extent of its use in the larger cities, over 340,000 drivers were stopped during November, 1973 to October, 1974. Given that the number of licenced drivers in Alberta was 1,073,000, then approximately one-third (1/3) of the total driving population was stopped. Within this number, many drivers who would drive frequently during evening hours would have been stopped several times. This is an excellent way to increase the subjective probability of being stopped. The target for the current year is to stop in excess of 500,000 drivers.
3. The program was conceived and carried out in conjunction with reasonably extensive research interviews and surveys. While the details of data gathering can be criticized, the fact that decisions were based on research **information**, rather than on hunches, is a major advance in government education programs of this magnitude and political importance. It can be argued that the success of the program in terms of public and police response is related to the use of this approach.
4. While there is considerable data on enforcement potentially available, for example, concerning timing and charges this information is not collected centrally in any great detail. Also it is somewhat difficult to separate Check Stop charges from those reported provincially. Attention in this area could produce a considerable amount of valuable information.

Summary of Enforcement

Check Stop, as practised in Alberta, appears to be a viable enforcement program. However, its effectiveness could be increased:

- 1) By ensuring greater control over the number of Check Stops undertaken in various parts of the province;
- 2) By providing training for those police officers who will carry out Check Stop;
- 3) By insisting on more extensive research monitoring and evaluation throughout the program;
- 4) By obtaining **the best possible** use of the manpower available to ensure sufficient officers at each site;
- 5) By establishing a central record system and by obtaining detailed data on Check Stop activities.

INTERACTION BETWEEN PUBLIC EDUCATION AND ENFORCEMENT

Multi-media public education with respect to drinking-driving can be used to achieve two distinct yet contemporaneous results:

- 1) To increase public awareness of the drinking-driving problem with all of its anti-social ramifications, i.e., to bring about a knowledge or attitude change;
- 2) To reduce the frequency of drinking-driving, i.e., to bring about a behavioural change.

Public education, by itself, is unlikely to greatly affect drinking-driving behaviour. However, combined with enforcement, the chances of affecting behaviour, in addition to changing knowledge and attitude, are greatly increased.

Our Committee is of the view that the effectiveness of any enforcement program is dependent upon the public being made more fully aware of the following:

- a) The threat which the impaired driver poses to the public both in terms of social costs and human suffering;
- b) The frequency with which drinking-driving occurs;
- c) The legal perimeters of impairment, i.e., of the laws both provincial and federal in respect to drinking-driving, for example, the meaning of "80 mg. of alcohol per 100 ml. of blood";
- d) The effect of alcohol on one's ability to drive and how much alcohol will make a person legally "impaired";
- e) The consequences of being detected, charged and convicted of a drinking-driving offence and why these consequences are fair and just in view of the seriousness of the drinking-driving problem;
- f) The need for government to intervene to a greater extent than at present.

In addition to the above-mentioned, the public must be made aware that greater enforcement of drinking-driving laws is about to take place. This awareness must be continually reinforced.

It is submitted that only by making the public aware of this can government increase subjective probability that drinking-drivers will be detected and caught.

It is further submitted that public education in this direction will also achieve

widespread public support for government's increased intervention into the drinking-driver problem.

We are of the strong view that increased enforcement which is not preceded by and accompanied with a massive public education program will not only be counter-effective, but will be met by public resentment rather than public support. Similarly, any media program which suggests that enforcement will be increased is useless unless accompanied by an actual increase in enforcement.

PART III: CONCLUSIONS AND RECOMMENDATIONS

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CONCLUSIONS

Your Committee concludes the following:

1. If properly implemented, enforced and monitored, 24-hour licence suspension legislation offers a real hope of being an effective countermeasure in reducing the magnitude of the drinking-driving problem in this province.

The concept of a 24-hour licence suspension in the form presently practised in British Columbia and Alberta is sound, but requires the following modifications and additions to improve its effectiveness:

- i) An appropriate training program for police officers to be developed and implemented. Steps must be taken to ensure that 24-hour suspensions are not abused by police authorities in such a way as to reduce the deterrent effect of the existing drinking-driving provisions set out in the Criminal Code of Canada. To this end, we are of the view that all police agencies in the Province of Ontario must receive careful instructions and training, not only as to the detection of drinking-drivers but also as to in what circumstances a 24-hour suspension is to be used;
 - ii) In addition to suspending an offending driver's licence for 24 hours, the police should have the authority to confiscate his motor vehicle keys for that period, or to impound the vehicle if necessary. We are of this view because experience in British Columbia and Alberta has shown that some drivers continue to drive even though their licences have been suspended for a 24-hour period;
 - iii) All 24-hour suspensions must be recorded and forwarded to the Ministry of Transportation and Communications. We are of this view because we feel that where an offender receives a second 24-hour suspension within, say, a twelve (12) month period, the Registrar of Motor Vehicles should have the authority to require the offender to appear before him to show just cause why his licence ought not to be suspended. This authority already exists in Section 27 of the Highway Traffic Act.
2. If properly implemented and monitored, a Check Stop Program which increases the subjective and objective probability of being detected is a positive step towards reducing the incidence of drinking-driving.

The concept of the Check Stop Program in the form practised in Alberta is sound, but requires the following modifications and additions to improve its effectiveness:

- i) Ensure that all police forces in the province participate in the Check Stop Program and that they conform to predetermined and specific guidelines. This should guarantee the necessary control over the quality and frequency of Check Stops;
 - ii) Provide extensive training for police officers who will be directly involved in the Check Stop Program. The training course should include inter alia, the following: the aims of the Check Stop Program, that is, detection and deterrence as opposed to simply laying charges; site selection and traffic control, with emphasis on safety; courtesy during the Check Stop interview; general site procedures; detection of impairment and its symptoms;

alternatives open to an officer who identifies a drinking-driver; and, record keeping;

- iii) Provide extensive research monitoring and evaluation throughout the program. Supplement telephone surveys with measures of Check Stop effectiveness such as, vehicle counts of cars left overnight at drinking establishments and, ideally, roadside breathalyzer surveys;
 - iv) Obtain the best possible use of manpower to ensure that there will be sufficient officers at each Check Stop site. This will involve possible rescheduling of shifts to provide for greater night-time activity;
 - v) Establish a central record system and obtain detailed data on Check Stop activities throughout the province. In addition to gross figures such as numbers of drivers stopped, suspended or charged, efficient management of the Check Stop Program necessitates the collection of data on Check Stops by time of day, day of week, month, site location, officer strength, etc.
3. Fundamental to any new preventative program is the necessity for enforcement procedures to be preceded by and accompanied with a public education program. This is an integral part of the Check Stop Program as practised in Alberta, and must be incorporated into both the 24-hour Licence Suspension Program and Check Stop Program if implemented in this province. Such a public education program would contain the following:
- i) The threat which the impaired driver poses to the public both in terms of social costs and human suffering;
 - ii) The frequency with which drinking-driving occurs;
 - iii) The legal perimeters of impairment, i.e., the laws, both provincial and federal, in respect to drinking-driving, for example, the meaning of "80 mg. of alcohol per 100 ml. of blood";
 - iv) The effect of alcohol on one's ability to drive and how much alcohol it takes to make a person legally "impaired";
 - v) The consequences of being detected, charged and convicted of a drinking-driving offence and why these consequences are fair and just in view of the seriousness of the drinking-driving problem;
 - vi) The need for government to intervene to a greater extent than at present.

In addition to the above-mentioned, the public must be made aware that greater enforcement of drinking-driving laws is about to take place. This awareness must be continually reinforced.

4. The two countermeasures i.e., the 24-hour Licence Suspension Program and the Check Stop Program, are complimentary and should be introduced concurrently. Together with a public education program these three components should constitute a single package.

We take this position because in our view the existing Criminal Code provisions do not provide the police with sufficient means of removing drinking-drivers from the road.

RECOMMENDATIONS

We respectfully recommend that a 24-hour Licence Suspension Program and a Check Stop Program, both with accompanying public education, be instituted in Ontario. Specifically:

- i) A 24-hour Licence Suspension Program such as that presently practised in British Columbia and Alberta, with appropriate modifications and additions to be implemented in Ontario. The tests to be used by police officers in determining whether or not a driver's licence ought to be suspended for 24 hours be as follows:

“Where a police officer **reasonably suspects** that a person who is driving or has the care and control of a motor vehicle has consumed alcohol or otherwise induced any alcohol, drugs or other substances in such quantity as to affect the driver's physical or mental ability, the peace officer may require the driver to surrender his operator's licence to the peace officer.”

- ii) Violations of 24-hour suspensions, and indeed violations of any type of suspension or prohibition, ought to be enforced to a far greater degree than they are at present.
- iii) A Check Stop Program such as that presently practised in Alberta, with appropriate modifications and additions, should be implemented in Ontario;
- iv) A public education program should precede and accompany the 24-hour Licence Suspension Program and the Check Stop Program.

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APPENDIX A
ALBERTA CHECK STOP PROGRAM, FIRST ANNUAL REPORT

ALBERTA CHECK STOP PROGRAM

**FIRST ANNUAL REPORT
NOVEMBER 1, 1973 — OCTOBER 31, 1974**



Prepared by: H. Maxted, Director of Law Enforcement
Solicitor General's Department
Government of Alberta
December 31, 1974

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APPENDIX A

WHAT IS CHECK STOP?

Check Stop is a prevention-oriented program conceived and sponsored by the Government of Alberta. While the prime purpose is to remove the impaired driver from our roads and highways it is also designed to bring to the attention of all Albertans the dangers and consequences involved when drinking and driving are combined. The intent is to change public attitudes toward drinking and driving rather than to obtain convictions.

WHY A CHECK STOP PROGRAM?

In 1970 the World Health Organization reported that in all the advanced countries the greatest loss of life in the 16-25 age category resulted from traffic fatalities. Studies indicated that excessive speed and liquor consumption were the prime causes with alcohol being involved in sixty per cent of the traffic fatalities.

In 1972 the Honourable Merv Leitch, Attorney General for Alberta, discussed the problem of the drinking driver with senior Alberta police officers and expressed the need for a preventive program which would encourage motorists to refrain from driving while under the influence of alcohol. Mr. Leitch recognized that police road checks are normally directed toward equipment and licensing with appropriate police action being taken should liquor offences come to light. Mr. Leitch was however anxious to develop a road check program in which the intent of the police to seek out the impaired driver would be made clear to the travelling public.

Concern existed as to the extent of public acceptance for this positive approach. A general consensus indicated public approval, however research revealed that police road checks for this specific purpose had not been used in Canada or the U.S.A. to any extent. It was agreed that the program would require unqualified public acceptance to be effective. There could be no head-on collision between the rights of the individual and the law.

A public attitude study conducted on behalf of the Government of Alberta during September 1973 showed our citizens to be concerned but largely unaware of the magnitude of the drinking driving problem. The survey indicated a growing demand for increased police action.

Compulsory breath tests, increased penalties and automatic suspensions had not reduced the problems related to the drinking driver. It was the opinion of the Attorney General that the severity of the punishment was not necessarily the best deterrent against the drinking driver. Increasing the probability of the offender being caught could be more effective. It was decided therefore to develop a program that would carry this theme as one of its prime objectives.

Law enforcement in Alberta became the responsibility of the Solicitor General for Alberta in September 1973. On October 5th the Solicitor General, the Honourable Helen Hunley, publicly announced the Check Stop program. It was described as a massive, province-wide education and enforcement campaign aimed at reducing alcohol related traffic deaths. Miss Hunley outlined a two-pronged campaign comprising an immediate intensive information phase to acquaint the driving public with the purpose of the program to be followed by a major crackdown by the Royal Canadian Mounted Police and municipal police forces which would commence on November 1, 1973.

The overall direction of the Check Stop program has been under the personal supervision of the Solicitor General. The Director of Law Enforcement has served as program coordinator.

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HOW DOES CHECK STOP WORK?

Municipal and provincial police forces perform regular patrol activity to detect and remove the impaired driver from our roads. Police departments are aware of their own problem areas and concentrate enforcement activities in this direction. Check Stop is intended to supplement, not to replace this normal police function.

In recognition of the need to retain the normal police patrols, participation in the Check Stop program by any police department is entirely voluntary and frequently depends upon the availability of manpower and equipment. While participation by the smaller municipal police departments is encouraged the prime participants are the Royal Canadian Mounted Police, who perform the provincial police function in Alberta, and the larger municipal police departments.

The Government of Alberta has supplied each participating police department with distinctive Check Stop signs and information pamphlets for use only at Check Stop locations. These identify the police activity as being "Check Stop" as opposed to the normal police road checks. Check points are established at random locations where several cars may be stopped at one time without interference with normal traffic flow.

Check Stop locations are changed frequently and seldom operate for more than one hour at any given point. Check Stop locations are seldom established at the known problem areas. These are covered adequately by normal police activity. The ideal Check Stop location is one which will reach a desirable cross section of the motoring public.

It has already been indicated in this report that Check Stop is designed primarily to change attitudes toward drinking and driving habits rather than to obtain convictions. The police are encouraged therefore to adopt a low-key approach, one which will assure cooperation from the motoring public. It is made quite clear to the motorist that the police are looking for impaired drivers and are concerned that the driver of the car ahead or behind may be impaired and therefore dangerous.

In the Province of Alberta all motorists are required by law to carry insurance. Each motorist stopped at a check point is asked to produce the pink card which is indicative of adequate insurance coverage. While many motorists normally resent being stopped by police road checks and asked to produce an operator's license, particularly during the late night hours, there is seldom any objection to a request for proof of insurance coverage. For this reason the police approach at Check Stop locations is to avoid requesting the production of the operator's license unless necessary.

During the production of the pink insurance card and the exchange of a few pleasantries the police are on the watch for indications that the driver's ability has been impaired. Under normal conditions the delay is less than three minutes. Before departing the check point the driver is handed a pamphlet explaining the purpose of the police activity and expressing gratitude to the driver for his cooperation.

When impairment is obvious the driver is arrested and charged with impaired driving under section 234 of the Criminal Code of Canada. Should the police have reasonable grounds for suspecting the driver to be impaired he can be ordered to undergo a breathalyzer test as is required by section 235. If the driver refuses to take the breath test he is then liable to arrest and prosecution under section 235. If the proportion of alcohol in his blood exceeds 80 milligrams in 100 milliliters of blood the driver is charged with an offence under section 236. For convenience extracts from the pertinent sections of the Criminal Code of Canada are quoted hereunder.

Impaired Driving

- "234. (a) for a **first offence**, to a **fine of not more than five hundred dollars and not less than fifty dollars** or to **imprisonment for three months** or to both;
- (b) for a second offence, to imprisonment for not more than three months and not less than fourteen days; and
- (c) for each subsequent offence, to imprisonment for not more than one year and not less than three months."

Refusing to Take Breathalyzer Test

- "235.(2) Every one who, without reasonable excuse, fails or refuses to comply with a demand made to him by a peace officer is guilty of an offence punishable on summary conviction and is liable to a fine of **not less than fifty dollars and not more than one thousand dollars** or to **imprisonment for not more than six months**, or both "

Over 80 Milligrams Alcohol

- "236. Every one who drives a motor vehicle or has the care or control of a motor vehicle, **whether it is in motion or not**, having consumed alcohol in such a quantity that the proportion thereof in his blood exceeds 80 milligrams of alcohol in 100 milliliters of blood, is guilty of an offence punishable on summary conviction and is liable to a fine of **not less than fifty dollars and not more than one thousand dollars** or to **imprisonment for not more than six months**, or both."
- "238.(1) Where an accused is convicted of an offence under section 203, 204 or 219 committed by means of a motor vehicle or of an offence under section 233, 234, 235, 236 or subsection (3) of this section, the court, judge, justice or magistrate, as the case may be, may, **in addition to any other punishment** that may be imposed for that offence, make an order **prohibiting him from driving a motor vehicle in Canada** at all times or at such times and places as may be specified in the order
- (a) during any period that the court, judge, justice or magistrate considers proper, if he is liable to imprisonment for life in respect of that offence, or
- (b) during any period not exceeding three years, if he is not liable to imprisonment for life in respect of that offence.
- (2) Where an order is made pursuant to subsection (1), a copy of the order certified under the hand of the justice or magistrate or under the hand of the judge or the clerk of the court and sealed with the seal, if any, of the court, shall
- (a) where the accused holds a permit or license to drive a motor vehicle, be sent to the registrar of motor vehicles for the province in which the license or permit was issued, or
- (b) where the accused does not hold a permit or license to drive a motor vehicle, be sent to the registrar of motor vehicles for the province in which the accused resides.
- (3) Every one who drives a motor vehicle in Canada while he is disqualified or prohibited from driving a motor vehicle by reason of
- (a) the legal suspension or cancellation, in any province, of his permit or license or of his right to secure a permit or license to drive a motor vehicle in that province, or
- (b) an order made pursuant to subsection (1), is guilty of
- (c) an indictable offence and is liable to **imprisonment for two years**, or
- (d) an offence punishable on summary conviction.

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- (3.1) Subsection (3) does not apply to a person who drives a motor vehicle in Canada while he is disqualified or prohibited from driving a motor vehicle by reason of the legal suspension or cancellation, in any province, of his permit or license or of his right to secure a permit or license to drive a motor vehicle in that province, where that suspension or cancellation is inconsistent with an order made with respect to him under subsection (1).
- (4) In proceedings under subsection (3), a certificate setting out with reasonable particularity that a person is disqualified or prohibited from driving a motor vehicle in a province by reason of the suspension or cancellation of his permit or license or of his right to secure a permit or license, purporting to be signed by the registrar of motor vehicles for that province is evidence of the facts alleged therein without proof of the signature or official character of the person by whom it purports to be signed.
- (5) Subsection (4) does not apply in any proceedings unless at least seven days notice in writing is given to the accused that it is intended to tender the certificate in evidence.
- (6) Where an appeal is taken against a conviction for an offence under section 203, 204 or 219 committed by means of a motor vehicle or for an offence under section 233, 234, 235, 236 or subsection (3) of this section, the court being appealed to may direct that any order under subsection (1) prohibiting the appellant from driving a motor vehicle and arising out of the conviction shall be stayed, pending the final disposition of the appeal or until otherwise ordered by that court."

Section 206 of The Highway Traffic Act is also listed as it relates to suspensions made for Criminal Code offences.

- "206.(1) **Where a person is convicted under section 234** of the Criminal Code anywhere in Canada, the convicted person thereupon becomes **disqualified** from holding an operator's license.
- (a) for a **period of six months** from the date of his conviction, or
 - (b) if an order prohibiting him from driving a motor vehicle on the highway in Canada is made as a result of the conviction, for the period driving is prohibited,
- whichever is the longer period, and any operator's license held by the convicted person thereupon becomes suspended for the same period.
- (2) **Where a person is convicted under section 236** of the Criminal Code anywhere in Canada, the convicted person thereupon becomes disqualified from holding an operator's license
- (a) for a **period of six months** from the date of his conviction, or
 - (b) if an order prohibiting him from driving a motor vehicle on the highway in Canada is made as a result of the conviction for the period driving is prohibited,
- whichever is the longer period, and any operator's license held by the convicted person thereupon becomes suspended for the same period.
- (3) Notwithstanding subsections (1) and (2), where a person is convicted under section 234 or 236,
- (a) if the convicted person has not, within the preceding five years been convicted of these offences anywhere in Canada, and
 - (b) if the convicted person produces **proof satisfactory to the convicting judge** that he was **not actually driving** the motor vehicle at the time of the offence,
- the judge, in his discretion, may make an order reducing the period of disqualification and suspension provided by subsection (1) or (2), as the case may be, to any period being **not less than three months**.
- (4) Notwithstanding subsection (1) or (2), where a person
- (a) is convicted of these offences, and
 - (b) has, within the preceding five years been convicted of any offence under section 234 or 236 of the Criminal Code anywhere in Canada,

the convicted person thereupon becomes disqualified to hold an operator's license

- (c) for a **period of 12 months** from the date of his conviction, or
- (d) if an order prohibiting him from driving a motor vehicle on a highway in Canada is made as a result of the conviction for the period driving is prohibited,

whichever is the longer period, and any operator's license held by the convicted person thereupon becomes suspended for the same period.

- (5) Notwithstanding anything in this section, where a person
 - (a) is convicted under section 234 or section 236, and
 - (b) has, **at any time within 10 years** of the date of the offence for which such conviction was entered, been convicted on **two previous occasions** of any offences under section 234 or section 236, the convicted person thereupon becomes disqualified from holding an operator's license and any operator's license held by the convicted person becomes **suspended for a period of 36 months** from the date of his conviction.
- (6) Where a person who holds an operator's license is convicted under section 234 or section 236, the convicting judge shall forward the operator's license of that person to the Minister."

When the police suspect that the driver, while not necessarily impaired, has consumed alcohol in such quantity as to affect his physical or mental ability, the driver may be required to forthwith surrender his operator's license to the police for a period of up to 24 hours. The authority for this "on-the-spot" suspension is contained in section 207 of the Alberta Highway Traffic Act. For convenience this section is also quoted hereunder. No charges are laid and the driver can reclaim his operator's license when the 24-hour suspension period has expired. This procedure does serve to remove potentially dangerous drivers from the highways. When the provisions of section 207 are used the police assist the motorist in arranging either for taxi and towing service or in the acquisition of a sober person to assume the driving responsibility.

- "207.(1) Where a peace officer suspects that the driver of a motor vehicle has consumed alcohol or otherwise introduced any alcohol, drug or other substance in such quantity as to affect the driver's physical or mental ability, the peace officer may require the driver to surrender his operator's license to the peace officer.
- (2) The request of a peace officer under subsection (1) ipso facto suspends any operator's license belonging to the driver to whom the request is made and the driver shall forthwith surrender any such license to the peace officer, but the refusal or other failure of the driver to do so does not affect the suspension.
- (3) Where a driver who has been required under subsection (1) to surrender his operator's license is not the holder of an operator's license, the request ipso facto disqualifies the driver from holding an operator's license.
- (4) A suspension or disqualification arising pursuant to this section terminates
 - (a) upon the expiration of 24 hours from the time the suspension or disqualification arose, or
 - (b) upon the driver voluntarily undergoing a test at a place designated by the peace officer, which test indicates that the proportion of alcohol in the driver's blood does not exceed 80 milligrams in 100 milliliters of blood, or
 - (c) upon the production by the driver to the peace officer of a signed certificate of a duly qualified medical practitioner, which certificate states that the driver's blood, as tested by the medical practitioner subsequent to the commencement of the suspension or disqualification, did not contain more than 80 milligrams of alcohol in 100 milliliters of blood,

whichever first occurs, and the peace officer shall thereupon return the driver's license, if any, to the driver.

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- (5) This section does not apply to a case where a peace officer decides to lay an information against the driver alleging that the driver has, in contravention of the Criminal Code, committed any offence involving
 - (a) the actual driving of or care or control of a motor vehicle by the driver, and
 - (b) the condition of the driver or the amount of alcohol in his blood, as the case may be, resulting from the consumption by him of alcohol.”

PARTICIPATING ENFORCEMENT UNITS

The enforcement phase of Check Stop commenced on November 1, 1973. The Royal Canadian Mounted Police, in their role as provincial police, combined their highway patrol units, rural detachments and municipal police units to form 102 Check Stop patrol units. These are strategically located throughout the province. The RCMP participation and interest in the program has been constant throughout the year under review.

The municipal police departments of Edmonton, Calgary, Lethbridge, Medicine Hat and Camrose were interested participants in the program, especially during its early stages. However there were times during the busy summer season when participation by the larger municipal police departments was limited by the pressure of other police duties and manpower shortage.

The Alberta Police Act requires that any urban municipality having a population in excess of 1,500 must provide for its own police service. All but six of the smaller municipalities in Alberta fulfill this obligation through contract policing provided by the R.C.M.P. The six remaining municipal police departments were invited to participate, however their limited manpower is fully committed to normal police activity and their participation in the Check Stop program has been limited.

APPENDIX A

STATISTICAL INFORMATION — CHECK STOP

Although participation by municipal and provincial police units is on a voluntary basis each participating department is required to submit a weekly statistical report to the Director of Law Enforcement for the Solicitor General's department from which a recapitulation is compiled and distributed to interested parties including the participating police departments.

A recapitulation of Check Stop activity for the period November 1, 1973 to October 31, 1974 is attached as Appendix "A" (i). 0,739 warnings were issued for a variety of minor but correctable offences. 2,730 motorists failed to produce a pink insurance card. The majority of these were included in the "warning" category when the motorist was able to produce the necessary proof of insurance coverage within a 48-hour period. Those who failed in this respect were charged for an offence under The Highway Traffic Act. There were 8,503 violations for other provincial statutes detected during the Check Stop operations. Many of these were for violations of The Highway Traffic Act or for illegal possession under the Alberta Liquor Control Act.

STATISTICAL INFORMATION — GENERAL

Check Stop is primarily a preventive program. It is difficult therefore to make an objective evaluation of Check Stop through statistical comparisons. It is not possible to determine the number of impaired drivers who have been deterred from operating their vehicles through fear of being detected at a check point. It is not possible to estimate the number of individuals who may have used a taxi to avoid the consequences of impaired driving.

It is important therefore that we give consideration to other available statistical data, particularly that which relates to the normal police activity with respect to drinking driving offences. These are attached as Appendix "A" (ii). It is also important to note that there were 1,106,352 motor vehicles registered in Alberta for the period November 1, 1973 to October 31, 1974 as compared with 1,022,820 registrations for the similar period in 1972-73. This is an increase of 83,532 or 8.1% and represents a much greater potential for traffic fatalities. The population of the Province of Alberta was as of January 31, 1974, 1,709,499.

A statistical report received from the Driver Control Section of the Alberta Department of Highways and Transport indicates that there were 55,384 motor vehicle accidents reported in the province from January 1 to December 31, 1973. As a result of these traffic accidents a total of 511 deaths were recorded. It is revealed that in the urban areas there were 1,750 drivers whose ability to drive was impaired by alcohol and a further 3,835 drivers had been drinking. In the rural areas 591 drivers were impaired by alcohol and a further 1,799 drivers had been drinking. In other words 7,975 drivers involved in motor vehicle accidents were either impaired by alcohol or had been drinking.

Attached as Appendix "A" (iii) is a portion of the "Annual Report of Motor Vehicle Traffic Accidents for 1973" prepared by the provincial Department of Highways. Appendix "A" (iv) indicates the number of driver suspensions recorded for drinking driving offences by the Department of Highways for the period November 1, 1972 to October 31, 1973 and a similar period for 1973-74.

The following information is taken from the Coroner's Report for 1973:

EDMONTON

21 Drivers killed — of these 6 had been drinking	29%
19 Passengers killed — of these 9 had been drinking	47%
18 Pedestrians killed — of these 3 had been drinking	16%
2 Drivers killed were under 21 years of age	

CALGARY

17 Drivers killed — of these 8 had been drinking	46%
9 Passengers killed — of these 2 had been drinking	22%
17 Pedestrians killed — of these 2 had been drinking	12%
1 Driver killed under 21 years of age.	

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REST OF PROVINCE

194 Drivers killed — of these 107 had been drinking	56%
155 Passengers killed — of these 44 had been drinking	28%
49 Pedestrians killed — of these 30 had been drinking	61%
35 Drivers killed were under 21 years of age.	

Youngest driver killed — 14 years — blood alcohol content 210 milligrams %.
Oldest driver killed — 73 years — blood alcohol content 290 milligrams %.

There was not a blood alcohol count taken in every instance of death. Had there been, the presence of alcohol might have been reflected much higher in the statistics.

These statistics also fail to show that of the pedestrians killed, how many of the drivers had been drinking.
52% of drivers killed in Alberta during 1973 had been drinking.

HAS CHECK STOP BEEN A SUCCESS?

If success is to be measured by favourable public reaction and cooperation the Check Stop program has been most successful. A survey conducted on behalf of the Government of Alberta in March 1974 indicated that 96% of those interviewed agreed that Check Stop is a good thing for Alberta motorists and 85% believe the program should be continued on a permanent basis. Check Stop is a two-phased program: education and enforcement. Each is of equal importance. An objective evaluation must therefore consider each as a separate but related issue.

(a) Education

The success of the educational phase of the program has been well documented. Much of the credit must go to the Public Affairs Bureau of the Government of Alberta for their efficient direction of the advertising associated with Check Stop. The excellence of its timing and content is largely responsible for the immediate public acceptance of the program objectives. The Check Stop logo is now a familiar and accepted symbol indicating our concern for the problems related to drinking and driving.

In the early stages of the program almost every weekly and daily newspaper in Alberta carried an informative article or editorial comment favourable to Check Stop. This created a greater awareness by the public of the problems and consequences related to desire for knowledge of the program and the drinking driver problems beyond mere curiosity.

Check Stop has received support from the Alberta Chamber of Commerce, the Alberta Safety Council, the Alberta Motor Association, the Alberta Hotel Association, the Canadian Restaurant Association and the Alberta Liquor Commission to name only a few. An insurance claims manager in Edmonton recently referred to Check Stop as being the only bright spot in the claims picture in 1974. We have been pleased to provide information to many high school students involved in debates and other school projects related to Check Stop.

Favourable public reaction and support has created an enthusiasm for the program within the participating police departments. The public have accepted that the program is aimed at their protection. The preventive aspects have been well received and this has improved the public image of the police service. Police officers are quite frank in their approval of the program and its potential for improved police-public relations.

Public cooperation at the Check Stop locations has also been a form of encouragement to the police. 344,205 motorists were checked by the police in Alberta during the twelve months ending October 31, 1974. The Solicitor General did not receive one serious complaint relating to the actions or the attitude of the police officers at Check Stop locations.

Reports submitted by police patrols during the month of December 1973 are a positive indication that the educational phase has been effective. These show that motorists exercised greater caution during the festive season. There was a greater use of taxi cabs to and from Christmas parties. There was a noticeable increase in the number of cars left overnight in hotel parking lots because the driver had over-indulged and taken a taxi to his home. The police encountered many wives, teen-agers or non-drinkers driving a group of drinkers home from Christmas parties. It became a common practise to include a non-drinker in each car group to take care of the driving.

APPENDIX A

As a further indication of the educational factor and the desirable police-public relationship we note that on New Year's Eve 1973 a taxi service in Jasper, Alberta, working in cooperation with the RCMP local detachment members, provided a free taxi service from 1:00 A.M. to 6:00 A.M. for persons who had over-indulged. On New Year's Eve the Lethbridge Transit System operated a special bus service until 4:00 A.M. to provide transportation to party-goers. The cost for this additional service was borne by contributions from business establishments including one from the local police association. The RCMP members at Edson, Alberta, in co-operation with the Edson Kinsmen and the local radio station, offered a free bus service to keep impaired drivers off the road during the festive season.

As an evaluation of the educational phase it is noted that the massive advertising program associated with Check Stop was concentrated into the first four months of the program. The police and their Check Stop activity has been the principal contact with the public during the last eight months. The continuance of the favourable public support through this period is a further indication of the success of the educational phase of the program and the improved police-public relationship.

(b) Enforcement

The RCMP indicate in their year-end report that Check Stop locations within their jurisdiction uncovered more than 1,800 impaired driving offences including suspensions under section 207 of The Highway Traffic Act. In addition in excess of 3,500 liquor and/or narcotic seizures were made from vehicles at Check Stop locations. From a statistical standpoint this indicates that approximately 5,300 impaired drivers, or those having a potential to become impaired, were detected through Check Stop activity.

It is reasonable to expect that a good portion of the drivers involved in the open liquor or narcotic offences would have become impaired to some degree had they not been detected. Any one or more of the 5,300 impaired or potentially impaired drivers may have eventually caused injury to himself or others because of his impairment. This is however one of the intangibles which in any preventive program must remain unanswered.

Statistics provided by the RCMP after they were involved with Check Stop for a four-month period, November 1, 1973 to February 28, 1974 provide an interesting comparison with those for the same period in 1972-73. The figures relate to both Check Stop and normal patrol activity.

	1973	1974	
Fatal automobile accidents	73	67	10% decrease
Alcohol involved	54.8%	38%	16% decrease
Arrests — impaired driving			
Code sections 234, 235, 236	1623	*2071	

*500 during Check Stop operations.

The RCMP also report that during the first ten months of Check Stop liquor involvement in fatalities dropped to 48% from a high of 60% during the corresponding period in 1973, a reduction of 12%. It is also important to note that while there was an increase of 37.6% in the number of impaired drivers requiring breathalyzer tests in 1973 over a corresponding period in 1972 there was only a 3.2% increase during the first ten months of the Check Stop year over the same period in 1973. It is important to remember that there were 83,532 more vehicles registered in Alberta in 1974 than in the preceding year. We would hope this to be an indication that the enforcement phase of Check Stop is effective, however this too must be regarded as one of the intangibles associated with a preventive police program.

Another area of concern relates to faulty equipment. Faulty headlights, rear lights, brakes, etc. present a major hazard on our highways. During the year under review the RCMP detected approximately 10,000 vehicle equipment offences at Check Stop locations. One percent of all fatalities can be attributed to faulty vehicle equipment.

While we may be justified in assuming that Check Stop has contributed favourably to the enforcement picture we must also face the grim reality that in spite of the effectiveness of the program and the lowered alcohol-fatality ratio, traffic fatalities increased by 5% in 1974. This is 3.5% less than the 8.5% increase recorded in 1973. The 15-25 age group continues to pose a problem in that 50% of drivers involved in traffic

fatalities were impaired at the time of the collision. Apparently the Check Stop message did not effectively reach this age group during the first year.

In recent correspondence directed to the Solicitor General for Alberta the Commanding Officer of RCMP operations in Alberta had this to say in support of the Check Stop Program: "... Check Stop not only fits nicely into our preventive policing program but equally compliments the effort put forth by our Traffic Branch to reduce traffic accidents."

APPENDIX A

CHECK STOP EVALUATION STUDIES

As a further means for evaluating Check Stop the Alberta Public Affairs Bureau arranged a four-phase research project to assess public attitude in relation to the drinking driver.

Phase I

Phase I was conducted during September 1973 as a pre-campaign study. The following is a summary of the results. Attention is directed specifically to items (5) and (6).

SUMMARY

- (1) Higher socio-economic groups and older age groups tend to be more concerned about the drinking driver problem.
- (2) Heavy drinkers differ in their awareness and concern from other population groupings.
- (3) The public does not know how many people are killed each year in Alberta due to alcohol.
- (4) Half the population have been personally associated with an impaired driving situation.
- (5) Young males are considered to be the worst offenders.
- (6) Younger age groups are more apt to drive while impaired.
- (7) Heavy drinkers tend to feel the police methods are tougher than the average.
- (8) Most Albertans want stricter laws about drinking and driving.
- (9) Most people support more public education about drinking-driving problems and solutions.

Phase II

A similar enquiry was conducted during the month of November 1973 when the advertising program was at its peak and the enforcement phase of Check Stop was underway. Attention is directed to items (5), (8), (9), (12) and (13).

SUMMARY

- (1) In general, the public feeling has changed with reference to the seriousness of the drinking-driver problem; more people feel it to be serious now than in September.
- (2) There has been no change in awareness of what the statistics actually are with reference to deaths due to drinking-drivers.

- (3) Generally, there has been a net increase in the level of satisfaction regarding the education the public is receiving about the drinking-driver problem.
- (4) Those who feel more should be done advocate a more intensified use of media to further educate the public.
- (5) There is a generalized change in feeling that the present police enforcement measures on drinking-drivers have improved the situation.
- (6) There is no change in the feeling about the strictness of the laws with reference to drinking-drivers.
- (7) Between 85 percent and 90 percent of the respondents had received some information on the Check Stop program.
- (8) 90 percent of the respondents indicated a positive reaction to the Check Stop program.
- (9) One in ten of the respondents had been through a Check Stop. There was almost no negative reaction to being stopped.
- (10) Almost 80 percent felt the program would be effective in reducing the deaths due to drinking-drivers.
- (11) Almost half the respondents feel that even more should be done about the drinking-driver problem.
- (12) Half the respondents feel it has changed driving habits and drinking habits in the direction of more caution and less tendency to drink and drive.
- (13) Heavy drinkers differ in their opinions and attitudes from moderate drinkers and non-drinkers. They are generally less concerned about the problem, but much more aware of the Check Stop program than average.

Phase III

Phase III was conducted in March 1974. At this time the advertising had diminished and public awareness of the program was through direct contact with the police. Attention is directed specifically to items 11 to 16.

SUMMARY

- (1) The reasons advanced for the seriousness of the problem have changed — in Phases I and II, the main reason expressed was “statistics” . . . In Phase III, the main reason was “the effects of impairment” on ability to drive.
- (2) There is no substantial change in awareness of what the statistics actually are with reference to deaths due to drinking-drivers between Phases I, II, and III. The public has retained very little of the “hard” statistical data presented in the Check Stop advertising program.
- (3) Almost half the population yet feel that not enough is being done about the drinking-driver problem. There is little change between the Phase II and III results in this respect.
- (4) The more advertising, the more the public is satisfied with the degree of “public education”: the less advertising, the less the feeling of satisfaction.
- (5) The public advocates the use of more media for “public education”, and also stresses “educate the youth”.
- (6) The **perception** of feeling informed appears to be more important than the public actually becoming more informed in terms of “hard” data.
- (7) There is no substantial change from the Phase I and II results with respect to present enforcement measures and strictness of drinking-driver laws. The public continues to endorse more enforcement and stricter laws.
- (8) All but a very small percentage were at least somewhat familiar with the Check Stop program.

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- (9) 66 percent felt that Check Stop should be advertised more. Most people still feel the program is in effect.
- (10) Check Stop advertising has had considerable carry-over effect . . . 62 percent had not seen an ad recently (34% claimed they had) yet most people could still recall the program.
- (11) Advertising which encourages people to take taxis and informs people that Check Stops are out is felt to be more effective than advertising which emphasizes statistics or encourages people to drink at home.
- (12) 17 percent of those interviewed had been through a Check Stop. There is very little negative reaction to being stopped.
- (13) Over nine in ten respondents had a generally positive reaction to the program.
- (14) The effectiveness of the program is not rated as high as the idea — 62 percent felt it was effective; the main reason suggested was that it causes people to think twice and be more cautious.
- (15) There is an increase in the number who feel that more should be done, and a strong support for the continuation of the program on a year-round basis as opposed to just holidays (85%).
- (16) 96 percent agree that the Check Stop program is a good thing for Alberta drivers.

Phase IV

Phase IV is an examination of the attitudes and opinions of target groups involved with the drinking drivers and includes interviews with police officers, liquor outlet personnel, taxi drivers and the drinking consumer. This study was carried out in May, 1974 when the enforcement phase of Check Stop had been effective for six months.

The specific objectives of the Drinking Driving Target Group project were as follows:

- 1. To measure the effectiveness of the Check Stop campaign from the point of view of the enforcement agencies, and the consumer.
- 2. To evaluate the impact and significance of the Check Stop advertising campaign.
- 3. To determine toward which target group or groups the Check Stop advertising should be directed.

Attention is directed specifically to items (2) and (3).

SUMMARY

- (1) There appears to be an unfulfilled need by the drinking public to have some objective measure of their degree of impairment that they can relate to their inability to drive safely.
- (2) There was a more pronounced tendency to consider drinking and driving a behavior practised by all segments of society rather than just the blue collar worker under 30 years of age.
- (3) No single message was suggested which was uniformly perceived by most as having the greatest impact. However, many acknowledged that messages exposing the financial cost, inconvenience, and heartbreak resulting from impaired driving would be effective. Shock commercials and statistics were generally judged to have transitory effects.

WHAT IS THE FUTURE FOR CHECK STOP?

The Government of Alberta has approved the continuation of Check Stop as a permanent aid to our law enforcement program. The 1973-74 results are being studied and the new and improved Check Stop program should be announced early in 1975. The basic formula has been well received by the public. Radical changes are not anticipated. We can however, benefit from the experience of the past year, particularly in the areas indicated by the four-phase research project.

The Check Stop program has been effective in reaching the social drinking drivers. We must now concentrate efforts on the problem drinker and the young drinking driver. Statistics and reality support the view that young males in the 17-25 age group are the worst offenders and are more apt to drive while impaired. In 1973, 50% of drivers in the 17-25 age group involved in fatal traffic accidents in Alberta were impaired at the time of the collision. We can direct the educational phase of Check Stop to this age group by carrying the Check Stop message into the schools, colleges and universities.

Delegates to the 6th International Conference on Alcohol, Drugs and Traffic Safety in Toronto in September 1974 were told by a representative from the Canadian Ministry of Transport that we in Canada are too tolerant of the drinking driver, that our legislation governing compulsory breathalyzer tests hinders police in that the police officer must have reasonable and probable grounds that the driver is intoxicated before invoking the demand for a breath test. It was advocated that the police be empowered to conduct on-the-spot roadside breath tests of drivers suspected of drinking, those who drive erratically or are involved in a traffic accident.

Effective roadside breath tests would undoubtedly remove many more drinking drivers from our roads and highways, however there is yet to be developed a portable type breath machine acceptable in Canadian Courts. A machine with excellent possibilities is presently undergoing tests and when available we should support its use at roadside checks.

We might also encourage a greater use of the suspension provisions provided by section 207 of The Highway Traffic Act in borderline cases. This provides an excellent means for removing the potentially dangerous driver from the roads without the need for criminal action in our Courts.

The potential of Check Stop as an effective weapon to combat the drinking driver is unlimited. The success of the project requires the understanding and cooperation of the public. Check Stop provides a means whereby law enforcement agencies and the public can work together to control a common problem.

APPENDIX A

APPENDIX A (i)

STATISTICAL INFORMATION — CHECK STOP

November 1, 1973 — October 31, 1974

	Calgary	Edmonton	Leth.	Med. Hat	Camrose	*Others	RCMP	Total
Check Point Locations	158	105	116	78	51	38	12,158	12,704
Vehicles Checked	15,173	12,815	16,004	2,737	1,397	1,813	294,266	344,205
Section 234 (Impaired)	14	14	52	3	1	4	131	219
Section 235 (Breathalyzer Refusal)	5	1	14	0	1	3	88	112
Section 236 (Over 80 MGS Alcohol)	45	8	42	3	3	9	979	1,089
Section 238 (Driver Under Suspension)	5	4	7	0	0	0	68	84
Other Offences Criminal Code	5	5	0	0	10	0	141	161
Section 207 (H. T. Act Suspensions)	71	11	512	2	0	11	652	1,259
Warnings	55	427	175	316	80	42	9,644	10,739
Failure to Produce Pink Card	127	194	52	166	61	35	2,095	2,730
Violations Other Statutes	381	48	742	25	41	5	7,261	8,503

* Police Department Not Specified.

APPENDIX A (ii) STATISTICAL INFORMATION — NORMAL POLICE ACTIVITY

1973 Period November 1, 1972 — October 31, 1973

1974 Period November 1, 1973 — October 31, 1974

Detail	Year	RCMP	Calgary	Edmonton	Leth.	Med. Hat	Camrose
Traffic Accidents	1973	18,962	15,461	22,114	2,694	1,656	341
Traffic Accidents	1974	22,662	19,030	26,218	3,129	1,789	415
Traffic Fatalities	1973	416	42	54	0	5	1
Traffic Fatalities	1974	432	58	48	1	4	0
Traffic Fatalities	1973	164	17	N/A	0	0	1
Involving Liquor	1974	170	29	N/A	0	0	0
Convictions — Criminal Code 27 Sections 234, 235 and 236							
Normal Police Activity	1973	7,175	1,978	N/A	N/A	147	N/A
Normal Police Activity	1974	6,927	3,114	N/A	N/A	181	162
Check Stop	1974	1,198	52	23	108	6	5
Suspensions — Sec. 207 H. T. Act							
Normal Police Activity	1973	N/A	1,816	N/A	N/A	N/A	N/A
Normal Police Activity	1974	94	2,872	4	N/A	5	2
Check Stop	1974	652	63	11	512	2	0
Breathalyzer Tests	1973	6,186	1,255	1,476	232	183	139
Breathalyzer Tests	1974	6,564	1,909	1,406	233	240	176

N/A — Not Available

APPENDIX A

APPENDIX A (iii)

NUMBER OF ACCIDENTS

Fatal and Non-Fatal Injury Accident by Pedestrian Action:

Crossing at intersection:

- with signal
- against signal
- no signal
- diagonally

Crossing between street intersections

Standing in safety zone

Standing on sidewalk

Getting on or off another vehicle

Children playing on roadway

At work in roadway

Riding or hitching on vehicle

Walking on rural highway or bridge

Coming from behind – parked vehicle or object

– moving vehicle or object

Crossing highway

Not stated

Total

Fatal and Non-Fatal Injury Accident by Condition of Pedestrian:

Apparently normal

Extreme fatigue

Physical defect – eyesight

– hearing

– other

Confused by traffic

Ability impaired – by drink

– other

Had been drinking

Not stated

Total

Fatal	Non-fatal injury	TOTAL
1	98	99
9	42	51
6	163	169
	13	13
7	150	157
1	7	8
7	23	30
2	15	17
1	37	38
2	14	16
	5	5
	13	13
7	69	76
15	57	72
22	175	197
80	881	961
23	416	439
	2	2
	4	4
1	2	3
1	4	5
	9	9
5	29	34
	3	3
11	48	59
39	364	403
80	881	961

CLASS OF VICTIM

Killed -

0 - 4 years																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																				
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Injured -

Age group	10	524	66	8	1	6	415
0-4 years	21	717	282	177	30	29	1269
5-14 "	1359	1752	124	66	251	40	3652
15-19 "	1378	990	77	25	175	30	2709
20-24 "	1338	786	62	11	47	29	2277
25-34 "	788	394	49	2	11	19	1263
35-44 "	599	421	58	4	2	15	1099
45-54 "	357	298	48	1	1	9	714
55-64 "	190	248	80	2		2	522
65 and over	106	271	42	5	14	22	462
Not stated							
Total	6146	6201	888	301	532	201	14382

By Sex:

Killed -

100.	30	80	34	0	10	1	13	300
Male			17	4		2	5	141
Female		83						
Not stated		1	2				1	4
Total	218	170	73	10	16	3	21	511
Insured -								
Male	4664	2746	506	214	515	59	122	8826
Female	1474	3436	379	87	16	54	75	5521
Not stated	8	19	3		1		4	35
Total	6146	6201	888	301	532	113	201	14382

APPENDIX A

APPENDIX A (iii) cont.

NUMBER OF VICTIMS – Continued

Killed and In-
jured by Month
of Occurrence:

	Killed	Injured	TOTAL
January	27	771	798
February	24	802	826
March	33	1083	1116
April	49	1163	1212
May	56	1205	1261
June	46	1373	1419
July	57	1531	1588
August	40	1566	1606
September	59	1401	1460
October	44	1348	1392
November	32	1077	1109
December	44	1057	1101
Not Stated		5	5
Total	511	14832	14893

Killed and Injured by Place of Occurrence:

Urban –

Metropolitan roads and streets	111	7224	7335
Urban areas (10,000 population and over)	19	784	803
Other urban (1,000 to 9,999 population)	5	179	184
Total	135	8187	8322

Rural –

Primary highways	249	3584	3833
Secondary highways	28	815	843
Local and other roads	99	1796	1895
Total	376	6195	6571

GRAND TOTAL (Urban + Rural) 511 14382 14893

Please list below any explanations or remarks regarding the statistics reported. Additional space for this purpose is provided on page 14.

APPENDIX A (iii) cont.

By Age Groups and Type of Accident:

NUMBER OF VICTIMS - Continued

YEARS												
0-4	5-14	15-19	20-24	25-34	35-44	45-54	55-64	65 and over	Not stated	TOTAL		
Killed -												
Pedestrian	9	10	9	4	10	6	4	14		72		
Other motor vehicle	5	12	42	28	27	26	27	32	2	222		
Horse-drawn vehicle												
Railroad train	2		9	4	5		3	2		25		
Street car/trolley coach												
Bicycle	1	5	1		1					8		
Motorcycle			8	4	1					13		
Other vehicles			2	2	1		2	1	2	10		
Animal												
Fixed object		4	13	10	2	5	1	2	2	39		
Non-collision	1	6	26	18	22	7	9	6	4	102		
Miscellaneous	1	3	3	6	6	1				20		
Total	19	40	113	76	75	45	45	48	5	511		
Injured -												
Pedestrian	70	261	113	79	61	44	59	38	73	40	838	
Other motor vehicle	253	535	1643	1434	1370	833	771	530	352	253	7974	
Horse-drawn vehicle		1	5	1	1	1					9	
Railroad train	3	5	21	8	11	10	7	8	10		83	
Street car/trolley coach		1	2	2	9		2	2	1		17	
Bicycle	6	152	61	26	14	2	4	1		5	271	
Motorcycle		28	185	118	31	4	2		3	9	380	
Other vehicles	4	36	51	35	33	26	17	14	9	9	234	
Animal	1	9	34	15	14	8	8	3	2	2	96	
Fixed object	18	33	489	306	220	105	66	37	22	40	1336	
Non-collision	45	146	924	604	439	181	132	57	40	90	2658	
Miscellaneous	15	62	124	81	74	49	33	24	10	14	486	
Total	415	1269	3652	2709	2277	1263	1099	714	522	462	14382	
By Age Groups and Sex:												
Killed -												
Male	12	20	79	62	62	33	27	32	36	3	366	
Female	6	20	32	14	13	12	18	16	9	1	141	
Not stated	1		2							1	4	
Total	19	40	113	76	75	45	45	48	45	5	511	
Injured -												
Male	243	730	2395	1827	1381	737	606	373	270	264	8826	
Female	171	534	1252	882	890	524	492	338	252	186	5521	
Not stated	1	5	5		6	2	1	3		12	35	
Total	415	1269	3652	2709	2277	1263	1099	714	522	462	14382	

APPENDIX A

APPENDIX A (iii) cont.

NUMBER OF DRIVERS	NATURE OF ACCIDENT			
	Fatal	Non-fatal injury	Property damage only	TOTAL
By Condition of Driver:				
Urban –				
Apparently normal	77	7803	50081	57961
Extreme fatigue	2	35	98	135
Physical defect – eyesight	2	15	73	90
– hearing		2	30	32
– other		24	105	129
Confused by traffic		28	149	177
Ability impaired – by drink	14	390	1346	1750
– other		17	81	98
Had been drinking	30	937	2868	3835
Not stated	55	969	12807	13831
Total	180	10220	67638	78038
Rural –				
Apparently normal	214	3614	11763	15591
Extreme fatigue	3	158	235	396
Physical defect – eyesight		6	15	21
– hearing			11	11
– other	1	12	21	34
Confused by traffic		12	26	38
Ability impaired – by drink	27	240	324	591
– other		7	12	19
Had been drinking	73	736	990	1799
Not stated	132	497	2146	2775
Total	450	5282	15543	21275
GRAND TOTAL (Urban + Rural)	630	15502	83181	99313

APPENDIX A (iii) cont.

NUMBER OF DRIVERS – Concluded

	NATURE OF ACCIDENT			
	Fatal	Non-fatal injury	Property damage only	TOTAL
By Driver Action:				
No improper driving	208	6334	34557	41099
Drove off roadway	64	1023	2304	3391
Did not have right-of-way	57	2155	9866	12078
Following too closely		394	3023	3417
On wrong side of road	44	290	1028	1362
Failed to signal		31	179	210
Through street – did not stop	4	188	523	715
Speed too fast for road or traffic condition	41	735	2817	3593
Hit and run – apprehended	7	81	924	1012
– not apprehended	5	70	1210	1285
Inattentive driving	41	1437	5569	7047
Cutting in		69	853	922
Car ran away				
Improper passing – on curve or hill	2	13	52	67
– on wrong side	1	24	108	133
– at intersection	3	51	259	313
Improper turn	3	100	692	795
Improperly parked	4	53	219	276
Not stated	146	2454	18998	21598
Total	630	15502	83181	99313
By Driving Experience:				
Under 3 months	9	392	1376	1777
3 to 6 months	6	363	1640	2009
6 to 12 months	12	528	2450	2990
1 to 4 years	141	3356	15965	19462
5 to 9 years	95	2887	14904	17886
10 years and over	288	6840	38259	45387
Not stated	79	1136	8587	9802
Total	630	15502	83181	99313
By Age Groups:				
Under 16 (driving illegally)	8	208	296	512
16-19 years	119	3064	13557	16740
20-24 “	121	3248	16022	19391
25-34 “	136	3291	18525	21952
35-44 “	79	2074	11619	13772
45-54 “	60	1502	8523	10085
55-64 “	46	887	4695	5628
65 and over	29	485	2371	2885
Not stated	32	743	7573	8348
Total	630	15502	83181	99313
By Sex of Driver:				
Male	534	12111	61562	74207
Female	64	2697	14258	17019
Not stated	32	694	7361	8087
Total	630	15502	83181	99313

APPENDIX A

APPENDIX A (iv) SUSPENSION COMPARISONS

	1972-73 3 MONTH	1973-74 3 MONTH	1972-73 6 MONTH	1973-74 6 MONTH	1972-73 12 MONTH	1973-74 12 MONTH	1972-73 36 MONTH	1973-74 36 MONTH
NOVEMBER	6	2	451	309	167	115	54	56
DECEMBER	7	4	357	257	119	83	69	61
JANUARY	0	13	396	514	149	147	62	81
FEBRUARY	15	32	292	629	118	174	54	77
MARCH	7	31	322	561	99	118	45	63
APRIL	9	20	236	592	90	167	34	91
MAY	13	30	322	728	131	195	47	109
JUNE	1	36	324	613	113	161	49	72
JULY	4	6	293	243	87	52	56	25
AUGUST	0	16	317	505	112	132	44	54
SEPTEMBER	0	28	273	650	103	182	56	78
OCTOBER	2	15	322	672	108	177	42	89
	64	233	3905	6273	1396	1703	612	856

GRAND TOTAL (1972-73) — 5977
GRAND TOTAL (1973-74) — 9065
Increase 1973 - 74 over 1972 - 73 — 3088 or 51.6%.

APPENDIX B
AGENDA AND PERSONNEL INTERVIEWED, ALBERTA AND B.C.

AGENDA

AUGUST 6TH, 1975 WEDNESDAY

09:00 — Board Room 312 Main St.

- 1) Introduction of visiting and local representatives including local representatives of the Vancouver Police Department and Crown Counsel, by Inspector Farley.

- 2) Welcoming address by Chief Constable Winterton.

Break — Informal talk over coffee

- 3) Outline of objectives and areas of special interest by representatives of Ontario Attorney Generals Department, Ministry of Transport, and Ontario Provincial Police.

Discussion

- 4) Address by Constable Jacobsen re practical application, statistical breakdown and an analysis as related to the City of Vancouver. And talk by Cpl. Les Morrison, Surrey R.C.M.P. re their usage S 203.

Discussion

- 5) Address by Mr. Fennell or designate re M.O.B.A.T. etc. and effects of alcohol as related to a drivers ability to rationalize.

Discussion

Noon

- 6) 19:00 Traffic Office 475 Main

Observation Patrol by eastern representatives as to procedure, In/Co Constable Jacobsen and NCO I/C drinking driver detail or designate.

APPENDIX B

AUGUST 7TH, 1975 THURSDAY

09:00 — Board Room 312 Main St.

- 1) Address by Mr. Hugh McCallum, Asst. Crown Counsel, and representative of bar, Keith R. Hamilton, Research Officer Legal Aid Society, re S 203.

Discussion

- 2) Statistical comparison of City of Vancouver and rural municipalities re 203 and C.C.C. charges by Constable Jacobsen

Discussion

Break — Informal talk over coffee

- 3) Address by Inspector George Angus, Delta Police Department, re 203S RS. C.C.C. charges in their areas.

Discussion

- 4) Address by Mr. Frank Regan, Deputy Superintendent of Motor Vehicles, Province of British Columbia, re background and implementation information pertaining to Motor Vehicle Branch.

Discussion

- 5) Open discussion by all representatives present and critical evaluation of S 203 Program to date.

Noon

- 6) 19:00 — Traffic Office 475 Main

Observation patrol by eastern representatives In/Co Constable Jacobsen and drinking driver detail NCO, if required.

24 HOUR SUSPENSION — PERSONNEL INTERVIEWED**British Columbia**

1.	Chief C. Winterton	-	Vancouver P.D.
2.	Deputy Chief T. Olliver	-	" "
3.	Inspector Frank Farley	-	" "
4.	Staff Sgt. Wm. Martin	-	" "
5.	Sergeant J. Petrie	-	" "
6.	Const. Roger Jacobsen	-	" "
7.	Const. A. Arkwright	-	" "
8.	Inspector Geo. Angus	-	Delta P.D.
9.	R.C.M.P. Insp. A. Wilson	-	Surry
10.	R.C.M.P. Insp. J. Stuart	-	"
11.	R.C.M.P. S/Sgt. T. Teskey	-	"
12.	R.C.M.P. Lee Morrison	-	"
13.	R.C.M.P. Eric Tedford	-	Victoria
14.	R.C.M.P. S/Sgt. Les Harper	-	"
15.	Sergeant Fred Acreman	-	Victoria P.D.
16.	Const. Kent Ollis	-	" "
17.	Mr. Hugh McCallum	-	Crown Counsel — A/G Dept.
18.	Mr. Ted Fennels	-	Vancouver City Analyst
19.	Mr. Keith Hamilton	-	Legal Aid Counsel
20.	Mr. Frank Reagan	-	D/Supt. B.C. Motor Vehicle Branch
21.	Mr. A. Baker	-	" " "
22.	Mr. L. Davey	-	" " "
23.	Miss Diane Ish	-	B.C. Alcohol Research
24.	Sgt. J. Higgins (Van.)	-	B.C. Police Academy
25.	Cpl. B. Parker (Port Moody)	-	" " "
26.	Mr. Gerry Kilcup, Director	-	" " "

APPENDIX B

ONTARIO VISIT — CHECK STOP

ITINERARY

Tuesday, Aug. 12

9:00 a.m. — Meeting in Solicitor General Board Room, 7th Floor, Melton Building, 10310 Jasper Avenue, with R.A. McDonald, Executive Director, Public Affairs; H.A. Maxted, Director of Law Enforcement; R. Finnigan, Public Affairs Officer; and B. Hetherington, Public Affairs Director.

10:00 a.m. — Above plus W. Elton, Decision Making Information Canada.

11:00 a.m. — Above plus W. Strang, Wally Strang Public Relations and Advertising Ltd.

— Lunch

2:00 p.m. — Chief R. Lunney, Edmonton City Police, City Police Headquarters, Winston Churchill Square.

3:30 p.m. — Insp. R.R. Hogg, RCMP, Traffic Division, "K" Division Headquarters, 11140 - 109 Street.

Evening — RCMP Check Stop (Sgt. Munro, Stoney Plain)

Wednesday, Aug. 13

9:00 a.m. — W.D. Smith, Registrar, Motor Vehicles Branch, Transportation Building, 9630 - 106 Street.

10:30 a.m. — Crown Prosecutors, Solicitor General Board Room, Melton Building.

8:00 p.m. — Edmonton City Police Check Stop, Meet on 4th Floor, Library Building, Winston Churchill Square.

Thursday, Aug. 14

Morning — Fly to Calgary

3:30 p.m. — Chief B. Sawyer, Calgary City Police, City Police Building, 316 - 7th Avenue S.E.

Evening — Calgary City Police Check Stop

Friday, Aug. 15

— Return to Toronto

ALBERTA CHECK STOP PROGRAM — PERSONNEL INTERVIEWED

1. Mr. Harry Maxted — Director Law Enforcement, Alberta
2. Mr. Brian Hetherington, — Public Affairs
3. Mr. Richard Finnegan — Public Affairs
4. Mr. R.A. McDonald — Ex. Director, Public Affairs
5. Mr. Winston Elton — Decision Making Info. Canada
6. Mr. Wally Strang — Public Relations & Advertising
7. Mr. John Lee — Crown Counsel — A/G Dept.
8. Mr. Steve Koval — Crown Counsel — A/G Dept.
9. Mr. W.D. Smith, Registrar — Motor Veh. Branch
10. Mrs. Sharon Mathias — R.C.M.P. Lab. Analyst
11. Chief R. Lunney — Edmonton P.D.
12. Deputy Chief E. Roberts — Edmonton P.D.
13. Staff Sgt. C. Smith — Edmonton P.D.
14. R.C.M.P. Insp. R.R. Hogg — Edmonton
15. Chief Brian Sawyer — Calgary P.D.
16. Deputy Chief Howard Leary — Calgary P.D.
17. Supt. Ken Evans — Calgary P.D.
18. Insp. Mel Bestwick — Calgary P.D.
19. R.C.M.P. Insp. Jack Roy — Calgary

APPENDIX C
ALCOHOL-INVOLVED DRIVERS IN FATAL COLLISIONS

TABLE C 1 Alcohol-involved Drivers in Fatal Collisions during July 1972 to June 1973 by the Existence or Non-Existence of Alcohol-Related Criminal Code Convictions in the 5 Years Previous to Their Fatal Collision

	No CCC Convictions*	1 or More CCC Conv.*	Total
Had Been Drinking	212 81.9%	47 18.1%	259
Impaired	59 77.6%	17 22.4%	76
All Alcohol-Involved Drivers	271 80.9%	64 19.1%	335

*CCC Convictions: Impaired Driving, Exceeding .08, Refusal to Take Breathalyser Test, Dangerous Driving

SOURCE: Hand search of Majority of Records of Drivers in Fatal Accidents.
(Ministry of Transportation and Communications Collision File).

TABLE C 2 Alcohol-Involved Drivers in Fatal Collisions during July 1972 to June 1973 by the Existence or Non-Existence of Other Alcohol-Related Collisions in the 3 Years Previous to Their Fatal Collision.

	No Alcohol — Involved Collisions	1 or More Alcohol- Involved Collisions	Total
Had Been Drinking	226 87.3%	33 12.7%	259
Impaired	66 86.8%	10 13.2%	76
All Alcohol-Involved Drivers	292 87.2%	43 12.8%	335

SOURCE: Hand search of Majority of Records of Drivers in Fatal Accidents.
(Ministry of Transportation and Communications Collision File).

